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# Campaign Text Book.

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WHY THE PEOPLE WANT A CHANGE.

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## THE REPUBLICAN PARTY REVIEWED:

**Its Sins of Commission and Omission.**

A SUMMARY OF LEADING EVENTS IN OUR HISTORY UNDER  
REPUBLICAN ADMINISTRATION.

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ISSUED BY THE

**NATIONAL DEMOCRATIC COMMITTEE.**

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NEW YORK.

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# THE DEMOCRATIC PLATFORM.

*Adopted by the National Democratic Convention held at Cincinnati, June 1880.*

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The Democrats of the United States, in Convention assembled, declare

1. We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic party as illustrated by the teachings and example of a long line of Democratic statesmen and patriots, and embodied in the platform of the last National Convention of the party.

2. Opposition to centralization and to that dangerous spirit of encroachment which tends to consolidate the powers of all the departments in one, and thus to create whatever be the form of government, a real despotism. No sumptuary laws ; separation of Church and State for the good of each ; common schools fostered and protected.

3. Home Rule ; honest money, consisting of gold and silver, and paper convertible into coin on demand ; the strict maintenance of the public faith, State and National, and a tariff for revenue only.

4. The subordination of the military to the civil power, and a genuine and thorough reform of the Civil Service.

5. The right to a free ballot is a right preservative of all rights, and must and shall be maintained in every part of the United States.

6. The existing Administration is the representative of conspiracy only, and its claim of right to surround the ballot boxes with troops and Deputy Marshals, to intimidate and obstruct the election, and the unprecedented use of the veto to maintain its corrupt and despotic powers, insult the people and imperil their institutions.

7. We execrate the course of this Administration in making places in the Civil Service a reward for political crime, and demand a reform by statute which shall make it forever impossible for a defeated candidate to bribe his way to the seat of a usurper by billeting villains upon the people.

8. The great fraud of 1876-77, by which, upon a false count of the Electoral votes of two States, the candidate defeated at the polls was declared to be President, and for the first time in American history the will of the people was set aside under a threat of military violence, struck a deadly blow at our system of representative government. The Democratic party, to preserve the country from the horrors of a civil war, submitted for the time in firm and patriotic faith that the people would punish this crime in 1880. This issue precedes and dwarfs every other. It imposes a more sacred duty upon the people of the Union than ever addressed the consciences of a nation of freemen.

9. The resolution of Samuel J. Tilden not again to be a candidate for the exalted place to which he was elected by a majority of his countrymen, and from which he was excluded by the leaders of the Republican party, is received by the Democrats of the United States with deep sensibility, and they declare their confidence in his wisdom, patriotism and integrity unshaken by the assaults of the common enemy; and they further assure him that he is followed into the retirement he has chosen for himself by the sympathy and respect of his fellow citizens, who regard him as one who, by elevating the standard of public morality and adorning and purifying the public service, merits the lasting gratitude of his country and his party.

10. Free ships and a living chance for American commerce on the seas, and on the land no discrimination in favor of transportation lines, corporations, or monopolies.

11. Amendment of the Burlingame treaty; no more Chinese immigration, except for travel, education, and foreign commerce, and that it even carefully guarded.

12. Public money and public credit for public purposes solely, and public land for actual settlers.

13. The Democratic party is the friend of labor and the laboring man, and pledges itself to protect him alike against the cormorants and the Commune.

14. We congratulate the country upon the honesty and thrift of a Democratic Congress which has reduced the public expenditures \$40,000,000 a year; upon the continuation of prosperity at home, and the national honor abroad, and, above all, upon the promise of such a change in the administration of the Government as shall insure us genuine and lasting reform in every department of the public service.

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## GEN. HANCOCK'S LETTER OF ACCEPTANCE.

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General Hancock has written the following letter accepting the Democratic nomination for the Presidency of the United States :

GOVERNOR'S ISLAND,  
New York City, July 29, 1880. }

*Gentlemen:* I have the honor to acknowledge the receipt of your letter of July 13, 1880, apprising me formally of my nomination to the office of President of the United States by the National Democratic Convention lately assembled in Cincinnati. I accept the nomination with grateful appreciation of the confidence reposed in me. The principles enunciated by the convention are those I have cherished in the past and shall endeavor to maintain in the future.

The thirteenth, fourteenth and fifteenth amendments to the Constitution of the United States, embodying the results of the war for the Union, are inviolable. If called to the Presidency I should deem it my duty to resist with all my power any attempt to impair or evade the full force and effect of the Constitution, which in every article, section and amendment is the supreme law of the land. The Constitution forms the basis of the Government of the United States. The pow-



ers granted by it to the legislative, executive and judicial departments define and limit the authority of the General Government; powers not delegated to the United States by the Constitution, nor prohibited by it to the States, belong to the States respectively or to the people. The General and State governments, each acting in its own sphere without trenching upon the lawful jurisdiction of the other, constitute the Union. This Union, comprising a General Government with general powers, and State governments with State powers for purposes local to the States, is a polity the foundations of which were laid in the profoundest wisdom.

This is the Union our fathers made, and which has been so respected abroad and so beneficent at home. Tried by blood and fire, it stands to-day a model form of free popular government, a political system which, rightly-administered, has been and will continue to be the admiration of the world. May we not say nearly in the words of Washington: The unity of government which constitutes us one people is justly dear to us; it is the main pillar in the edifice of our real independence, the support of our peace, safety and prosperity, and of that liberty we so highly prize and intend at every hazard to preserve?

But no form of government however carefully devised, no principles however sound, will protect the rights of the people unless administration is faithful and efficient. It is a vital principle in our system that neither fraud nor force must be allowed to subvert the rights of the people. When fraud, violence or incompetence controls, the noblest constitutions and wisest laws are useless. The bayonet is not a fit instrument for collecting the votes of freemen. It is only by a full vote, free ballot and fair count that the people can rule in fact as required by the theory of our Government. Take this foundation away and the whole structure falls. Public office is a trust, not a bounty bestowed upon the holder; no incompetent or dishonest persons should ever be intrusted with it, or if appointed they should be promptly ejected. The basis of a substantial, practical, civil service reform must first be established by the people in filling the elective offices; if they fix a high standard of qualifications for office and sternly reject the corrupt and incompetent, the result will be decisive in governing the action of the servants whom they intrust with appointing power.

The war for the Union was successfully closed more than fifteen years ago. All classes of our people must share alike in the blessings of the Union, and are equally concerned in its perpetuity and in the proper administration of public affairs. We are in a state of profound peace. Henceforth let it be our purpose to cultivate sentiments of friendship and not of animosity among our fellow-citizens. Our material interests, varied and progressive, demand our constant and united efforts. A sedulous and scrupulous care of the public credit, together with a wise and economical management of our governmental expenditures, should be maintained, in order that labor may be lightly burdened and that all persons may be protected in their rights to the fruits of their own industry. The time has come to enjoy the substantial benefits of reconciliation. As one people we have common interests. Let us encourage the harmony and generous rivalry among our own industries which will revive our languishing merchant marine, extend our commerce with foreign nations, assist our merchants, manufacturers and producers to develop our vast natural resources and increase the prosperity and happiness of our people.

If elected I shall, with the divine favor, labor with what ability I possess to discharge my duties with fidelity according to my convictions, and shall take care to protect and defend the Union and to see that the laws be faithfully and

equally executed in all parts of the country alike. I will assume the responsibility, fully sensible of the fact that to administer rightly the functions of government is to discharge the most sacred duty that can devolve upon an American citizen.

I am very respectfully yours,  
WINFIELD S. HANCOCK.

To the Honorable John W. Stevenson, President of the Convention, the Honorable John P. Stockton, Chairman, and others of the Committee of the National Democratic Convention.

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## HON. WM. H. ENGLISH'S LETTER OF ACCEPTANCE.

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INDIANAPOLIS, Ind., July 30, 1880.

*Gentlemen:* I have now the honor to reply to your letter of the 13th inst., informing me that I was unanimously nominated for the office of Vice-President of the United States by the late Democratic National Convention which assembled at Cincinnati. As foreshadowed in the verbal remarks made by me at the time of the delivery of your letter, I have now to say that I accept the high trust with a realizing sense of its responsibility, and am profoundly grateful for the honor conferred. I accept the nomination upon the platform of principles adopted by the Convention, which I cordially approve, and I accept it as much because of my faith in the wisdom and patriotism of the great statesman and soldier nominated on the same ticket for President of the United States. His eminent services to his country; his fidelity to the Constitution, the Union and the laws; his clear perception of the correct principles of government as taught by Jefferson; his scrupulous care to keep the military in strict subordination to the civil authorities, his high regard for civil liberty, personal rights and rights of property; his acknowledged ability in civil as well as military affairs, and his pure and blameless life—all point to him as a man worthy of the confidence of the people. Not only a brave soldier, a great commander, a wise statesman and a pure patriot, but a prudent, painstaking, practical man of unquestioned honesty; trusted often with important public duties, faithful to every trust, and in the full meridian of ripe and vigorous manhood, he is, in my judgment, eminently fitted for the highest office on earth—the Presidency of the United States. Not only is he the right man for the place, but the time has come when the best interests of the country require that the party which has monopolized the Executive Department of the General Government for the last twenty years should be retired. The continuance of that party in power four years longer would not be beneficial to the public or in accordance with the spirit of our republican institutions. Laws of entail have not been favored in our system of government. The perpetuation of property or place in one family or set of men has never been encouraged in this country, and the great and good men who formed our Republican government and its traditions wisely limited the tenure of office, and in many ways showed their disapproval of long leases of power. Twenty years of continuous power is long



enough, and has already led to irregularities and corruption which are not likely to be properly exposed under the same party that perpetuated them : besides, it should not be forgotten that the four last years of power held by that party were procured by disreputable means and held in defiance of the wishes of a majority of the people. It was a grievous wrong to every voter and to our system of self-government which should never be forgotten nor forgiven. Many of the men now in office were put there because of corrupt partisan services in thus defeating the fairly and legally expressed will of the majority, and the hypocrisy of the professions of that party in favor of civil service reform was shown by placing such men in office and turning the whole brood of Federal office-holders loose to influence the elections. The money of the people, taken out of the public treasury by these men for services often poorly performed, or not performed at all, is being used in vast sums, with the knowledge and presumed sanction of the Administration, to control the elections, and even the members of the Cabinet are strolling about the country making partisan speeches, instead of being in their departments at Washington discharging the public duties for which they are paid by the people. But with all their cleverness and ability a discriminating public will no doubt read between the lines of their speeches that their paramount hope and aim is to keep themselves or their satellites four years longer in office. Perpetuating the power of chronic Federal office-holders four years longer will not benefit the millions of men and women who hold no office; but earning their daily bread by honest industry, is what the same discerning public will no doubt fully understand, as they will also that it is because of their own industry and economy and God's bountiful harvests that the country is comparatively prosperous, and not because of anything done by these Federal office-holders. The country is comparatively prosperous, not because of them but in spite of them. This contest is in fact between the people endeavoring to regain the political power which rightfully belongs to them, and to restore the pure, simple, economical, constitutional government of our fathers on the one side, and a hundred thousand Federal office-holders and their backers, pampered with place and power, and determined to retain them at all hazards, on the other. Hence the constant assumption of new and dangerous powers by the general government under the rule of the Republican party, the effort to build up what they call a strong government, the interference with home rule and with the administration of justice in the courts of the several states, the interference with the elections through the medium of paid partisan federal office-holders interested in keeping their party in power, and caring more for that than fairness in the elections. In fact, the constant encroachments which have been made by that party upon the clearly reserved rights of the people and the states will, if not checked, subvert the liberties of the people and the government of limited powers created by the fathers, and end in a great consolidated central government—strong, indeed, for evil—and the overthrow of republican institutions. The wise men who formed our Constitution knew the evils of a strong government and the long continuance of political power in the same hands. They knew there was a tendency in this direction in all governments and consequent danger to republican institutions from that cause, and took pains to guard against it. The machinery of a strong centralized general government can be used to perpetuate the same set of men in power from term to term until it ceases to be a republic, or is such only in name, and the tendency of the party now in power in that direction, as shown in various ways, besides the willingness recently manifested by a large number of that party to elect a President an unlimited number of terms, is quite apparent, and must

satisfy thinking people that the time has come when it will be safest and best for that party to be retired. But in resisting the encroachments of the General Government upon the reserved rights of the people and the states, I wish to be distinctly understood as favoring the proper exercise by the General Government of the powers rightfully belonging to it under the Constitution. Encroachments upon the Constitutional rights of the General Government or interference with the proper exercise of its powers must be carefully avoided. The union of the States under the Constitution must be maintained, and it is well known that this has always been the position of both the candidates on the Democratic Presidential ticket. It is acquiesced in everywhere now, and finally and forever settled as one of the results of the war. It is certain beyond all question that the legitimate results of the war for the Union will not be overthrown or impaired should the Democratic ticket be elected. In that event proper protection will be given in every legitimate way to every citizen, native or adopted, in every section of the republic, in the enjoyment of all the rights guaranteed by the Constitution and its amendments: a sound currency, of honest money, of a value and purchasing power corresponding substantially with the standard recognized by the commercial world, and consisting of gold and silver and paper convertible into coin, will be maintained; the labor and manufacturing, commercial and business interests of the country will be favored and encouraged in every legitimate way.

The toiling millions of our own people will be protected from the destructive competition of the Chinese, and to that end their immigration to our shores will be properly restricted. The public credit will be scrupulously maintained and strengthened by rigid economy in public expenditure, and the liberties of the people and the property of the people will be protected by a government of law and order, administered strictly in the interest of all people, and not of corporations and privileged classes. I do not doubt the discriminating justice of the people and their capacity for intelligent self-government, and, therefore, do not doubt the success of the Democratic ticket. Its success would bury beyond resurrection the sectional jealousies and hatreds which have so long been the chief stock in trade of pestiferous demagogues, and in no other way can this be so effectually accomplished. It would restore harmony and good feeling between all the sections, and make us in fact, as well as in name, one people. The only rivalry then would be in the race for the development of material prosperity, the elevation of labor, the enlargement of human rights, the promotion of education, morality, religion, liberty, order, and all that would tend to make us the foremost nation of the earth in the grand march of human progress.

I am, with great respect, very truly yours,

WILLIAM H. ENGLISH.

To the Honorable John W. Stevenson, President of the Convention, the Honorable John P. Stockton, Chairman, and other members of the Committee of Notification.



## LIFE OF WINFIELD S. HANCOCK.

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It would be difficult to compress into the space allotted to this sketch even the leading facts of a life so rich in incident and achievement as that of General Hancock. A reasonably full narrative of his great public services would fill a very large volume, every line of which would be interesting and instructive. It is with great reluctance that one undertakes to pick and cull from such a mass of inviting materials, but it is manifestly impossible to offer in this form more than a brief outline of the brilliant career whose principal events are more or less familiar in every American household. The deficiency, however, will be shortly supplied by complete biographies from competent hands, to which the reader who desires a closer study of the noble character of this remarkable man is respectfully referred.

### EARLY LIFE.

Winfield Scott Hancock was born near Norristown, Montgomery county, Pennsylvania, on the 14th of February, 1824. Both his grandfathers served in the War of Independence, and his father was out in the War of 1812. He sprang from a race of sturdy citizen soldiers, who had through several generations responded to every call of public duty, and it was only natural, considering the traditions of the family, that his own inclinations should be toward the profession of arms. Accordingly, at the age of sixteen, he was appointed a cadet at West Point. He had previously studied at the Norristown Academy, and, by reason of his steady habits and strong will, had received all the advantages which that institution was capable of imparting to one of his years. Among the associates of young Hancock at West Point were Generals Franklin, Smith, Grant, McClellan, Reynolds, Reno and Burnside, distinguished on the Union side in the civil war, and Longstreet, Jackson and the two Hills, who faced their old comrades at the head of the Confederate columns. Hancock graduated well up in a large class in June, 1844, and was immediately commissioned brevet second lieutenant in the Sixth Infantry.

### MEXICAN WAR.

Hancock served two years with his regiment in the Indian Territory, a post as disagreeable at that time as any on our extended frontier, until the Mexican war afforded him an opportunity of distinction in the field, as it did to many others whose deeds have brightened the pages of later history. Here he gathered fresh honors in every succeeding engagement, from the Natural Bridge to the capture of the City of Mexico. He was brevetted for Contreras and Cherubusco; but his gallantry was conspicuous in all the battles, and uniformly attracted the admiration, and compelled the respectful mention, of his superiors.

In 1848 and 1849 he was regimental quartermaster; from 1849 to 1855 he served as adjutant. Meanwhile, in 1853, he was promoted to the full rank of first lieutenant, and in 1855 to that of captain. He served in the Florida Indian war of

1856-7; he was in Kansas in 1857, performing, in becoming silence, the duty of a soldier, but looking upon the beginnings of the sectional war in that far-off territory with the deepest concern for the future of the country. His keen eyes penetrated beneath the surface; he felt the drift of things toward inevitable separation, and he was not unprepared for the great conflict when it opened. He accompanied Gen. Johnston's expedition to Utah, and thence marched overland to California, where he remained until the fall of Sumter. It will be observed that his service in the army previous to the civil war carried him to many parts of the country, and was of a character to furnish an observing and thoughtful officer with a vast fund of useful knowledge respecting the wants and interests of the people, and especially of the Great West, where he served through so many of the best years of his life.

#### COMBATS SECESSION IN CALIFORNIA.

Captain Hancock was not merely ready and able to serve the cause of the Union on the battlefield; he was equally ready and equally able to serve it with voice and pen. When news of the struggle in Charleston Harbor reached him at Los Angeles, where he was then stationed, he first forwarded to Governor Curtin of Pennsylvania his application for a command among the troops of his native State, and threw himself into the work of saving California to the Union. This was no child's play. The State trembled on the very verge of secession. It was largely settled by brave and intelligent Southern men, whose sympathies, with scarcely an exception, followed the new flag which rose amid the smoke of Sumter, and was advancing rapidly to Washington. But for the heroic conduct and the wise measures adopted by Democrats like Field and Hancock, sinking all party differences, and forming a coalition composed of men of all factions, to hold California to her place in the family of States, she would have been dragged out by the tremendous energy of the secession leaders, and the whole character of the subsequent struggle would have been changed. The temptation to British intervention would have been incalculably strengthened, and anybody can estimate the additional strain upon our resources which would have been occasioned by an extension of the war beyond the Rocky Mountains. But there, as in every other similar emergency of his life, Hancock was equal to the civil as well as to the military duty of the hour. His influence, guided and directed by the rare political intelligence which has distinguished his conduct whenever called upon to deal with civil affairs, was cast on the right side, and in a way to be seriously felt.

But Captain Hancock was needed elsewhere. His character was thoroughly understood at Washington, and especially by General Scott, who had not failed to mark him among the brilliant young officers whose behavior commanded his attention in Mexico. The Governor of Pennsylvania did not immediately respond; but an application to the Lieutenant-General of the Army brought an order to report in person at Washington. Before his arrival, however, General McClellan had succeeded General Scott, and upon his recommendation Hancock was, on the 21st of September, 1861, commissioned Brigadier-General of Volunteers, and assigned to a command in the division of General William F. ("Baldy") Smith, then holding at the Chain Bridge one of the most important approaches to Washington.

Gen. Hancock's brigade was composed of one regiment from Pennsylvania, one from New York, one from Maine, and one from Wisconsin. To say that the men of these regiments speedily learned to love him, is to express very mildly the feelings with which good soldiers regard the captain who leads them to honor



and fame, while caring for them individually and collectively, with the tenderness of a comrade and a friend. Gen. Hancock wasted no time in the idle shows of the camp. He set to work to bring these regiments into a state of perfect military discipline, and to make them soldiers in fact as well as in name. It was no holiday matter with him, and he wanted this force to be equal to any task that might be assigned to it. Long before it was called into action he was able to say, that it could accomplish whatever an equal number of men could do anywhere on the face of the earth; and its record of splendid achievements fully justifies his early confidence.

#### SUMMARY OF SERVICES AGAINST THE REBELLION.

Henceforth the history of Gen. Hancock is very nearly the history of the Army of the Potomac, whose marches and battles form the main features of the greatest civil conflict that ever shook the earth. And over all that sanguinary trail from the defences of Washington, over the Peninsula, up into Maryland and Pennsylvania, through the Wilderness, and round about Petersburg, are the evidences of his military genius and personal gallantry. The following is the barest summary of his record during those eventful years:

Battle of Lee's Mills, Va., under McClellan, April 16th, 1862, and subsequent operations before Yorktown.

Williamsburg, May 5th, 1862. Repulsed the enemy at Garnett's Hill, June 27th; Golding's Farm, June 28th; Savage's Station, June 29th, and White Oak Swamp, June 30th. Led his brigade at Antietam, September 17th, 1862, until afternoon, when he was placed in command of the first division of the Second Corps. Stormed and carried a portion of the enemy's line, capturing eleven stands of colors, a large number of prisoners, and several thousand stands of small arms. Promoted to the rank of Major-General, November 29th, 1862. Fredericksburg, December 13th. Chancellorsville, May 1st, 2d and 3d, 1863, where he covered the retreat. Assigned to command of the Second Corps, June 10th. Permanent assignment by the President, June 25th. Gettysburg, July 1st, 2d and 3d, where he fell severely wounded. Wilderness, May 5th, 6th and 7th, 1864. Battles of the Po and Spottsylvania, May 10th. Stormed the enemy's works and won a decisive victory at Spottsylvania, May 12th, and repulsed Ewell's assault, May 18th. North Anna, May 23d. Cold Harbor, June 3d. Before Petersburg, June 15th to June 17th. Deep Bottom, July 2d. Reanes' Station, August 25th. Boydton's Plank Road, October 27th. By order of the President assumed command of the Middle Military Division and the Army of the Shenandoah, February 25th, 1865. He was breveted Major-General for Spottsylvania, and was appointed Major-General, vice Sherman, appointed Lieutenant-General in 1866. It is a long and glorious record, of which it would be impossible to give the details without rewriting the familiar history of the Army of the Potomac. But brief outlines of two or three of his great battles will illustrate his method, and show what manner of man he was under an enemy's fire.

#### WILLIAMSBURG.

In the last days of March, 1862, the Army of the Potomac was landed at Fortress Monroe and extended its lines across the Peninsula. Smith's division, in which was Hancock's brigade, was sent to the left, and took the advance of that wing toward Richmond. For nearly a month it was engaged in desultory but bloody skirmishing with the enemy, in which Hancock's force bore a conspicuous part. On the morning of the 4th of May it was discovered that the Confederates had evacuated the works at Yorktown, and the pursuit began. It was effectually checked, however, on the evening of the same day, when the Union army en-

countered a second line of works parallel with the first, and extended from the York almost to the James. They consisted of a series of formidable redoubts, with a deep ravine and a stream in the front. In the center was a powerful regueur work, mounted with heavy guns. Before this the weary army bivouacked that night in mud and rain; and the next morning Hooker hurled himself against it, only to receive a bloody repulse. Meanwhile Hancock had been ordered to reconnoitre the Confederate left, with a separate command, consisting of his own brigade, two additional regiments, and two light batteries. He had felt his way very carefully for about a mile, when he came upon a fortification, visible through a vista in the woods, protected by a ravine in front, which was filled with water held by a dam. The place was strong but not sufficiently guarded. Hancock pushed over the dam, dragged his artillery up the steep beyond, carried the redoubt, formed again inside the enemy's line of works, and moved rapidly toward the enemy's center at Fort Magruder. By this bold movement the Confederate left was turned, and the whole line must be abandoned or Hancock must be dislodged. He pressed forward to a position within twelve hundred yards of Fort Magruder, where he planted his batteries and opened a tremendous fire, to which the enemy responded with their artillery. There the conflict raged all the day. He was in a position, if reinforced, to drive the enemy from their works; or, if not reinforced, to be himself annihilated. But, notwithstanding urgent messages, no reinforcements came, and at five o'clock in the afternoon Hancock reluctantly withdrew the batteries.

But all this while the enemy had been quietly making his dispositions to crush the bold intruder, who had thrust himself into a position from which there was apparently no retreat, and at the first retrograde movement of the artillery he burst from the woods on Hancock's right in two solid lines of battle. They swept forward under a deadly fire, and enveloped the guns, which barely escaped through a small gap, as yet unclosed. Hancock maintained a steady front, and a no less steady fire, but fell back slowly to the crest of the gentle ridge in his rear. The Confederates came on furiously with their overwhelming numbers, shouting, "Bull Run! Bull Run! That flag is ours!" Hancock halted and steadied his command at the crest for one brief moment. The enemy were but forty yards distant; the next instant would decide the day. He dashed from his place behind the line, and riding bare-headed along the blazing front, shouted, "Forward! Forward! For God's sake, Forward!" No sooner did the men recognize his heroic figure, than they sent up a grand cheer above the din of the musketry, and advanced in perfect order to the charge. It was a spectacle seldom witnessed in all the history of war. An inferior force, cut off from support, with the enemy between it and its own lines, suddenly pausing in an almost hopeless retreat, and then recovering the lost field by one magnificent, irresistible charge! But the feat was accomplished, and it was due not less to Hancock's previous discipline than to his wise conduct and splendid example in the engagement itself. His victory was complete. The Confederates recoiled before the unexpected shock of Hancock's advance, and fell back, leaving the field covered with their dead and wounded. After the battle the long-desired reinforcements arrived, when it was too late to follow up the advantage. But Hancock had gained a position which rendered the Williamsburg lines untenable, and during the night the enemy evacuated them and resumed his retreat.

#### GETTYSBURG.

It will hardly be disputed that the battle of Gettysburg was pre-eminently Hancock's, and that to him more than to any other, under God, must be ascribed



that most decisive victory of the war. On the morning of July 1st he was in camp with his Second Corps at Taneytown, Gen. Meade's headquarters, when news came of the collision at Gettysburg. General Meade, upon hearing of the death of General Reynolds, who was at Gettysburg in command of the First, Third and Eleventh Corps, ordered General Hancock forward to take command. He examined the maps of the country as he was hurried along in an ambulance, and had probably made up his mind as to the value of all the strategic points before he ever saw Gettysburg. Arriving there he found the Union troops in full retreat. Reynolds was dead and everything in confusion. "At this moment," says a distinguished participant in the battle, "our defeat seemed complete. Our troops were flowing through the streets of the town in great disorder, closely pursued by the Confederates, the retreat fast becoming a rout, and in a very few minutes the enemy would have been in possession of Cemetery Hill, the key to the position, and the battle of Gettysburg would have gone into history as a rebel victory. But what a change came over the scene in the next half hour! The presence of Hancock, like that of Sheridan, was magnetic. Order came out of chaos. The flying troops halt, and again face the enemy. The battalions of Howard's corps that were retreating down the Baltimore pike are called back, and with a cheer go into position on the crest of Cemetery Hill, where the division of Steinwehr had already been stationed. Wadsworth's division and a battery are sent to hold Culp's Hill, and Geary, with the White Star division, goes on the double-quick to occupy the high ground toward Round Top. Confidence is restored, the enemy checked, and being deceived by these dispositions, cease their attack.

Hancock's previous conceptions of the ground were confirmed by actual observation, and he not only advised Meade that he should fight there, but with the promptness and decision which characterized all his movements, he proceeded, without orders, to make such dispositions as really left Gen. Meade very little choice in the matter. The latter, however, accepted the suggestions of his lieutenant, and placed Gen. Hancock in command of the left center, where again on the evening of the second day he restored to the Union army the fortunes of battle which were well-nigh lost forever. But it was on the third day that Gen. Hancock's great opportunity arrived, and he performed for his country a service which alone would render his name immortal—a service so grand in the manner of it, and so far-reaching and precious in its consequences, that no man has ever yet attempted to describe it or to weigh it, without feeling deeply the inadequacy of words for the purpose. At all events, it cannot here be more fitly set forth than in the following language of his brave and devoted comrade, Major-General St. Clair A. Mulholland, who affirms that which he saw:

"About noon we could see considerable activity along Seminary Ridge. Battery after battery appeared along the edge of the woods. Guns were unlimbered, placed in position and the horses taken to the rear. On our side, officers sat around in groups and, through field glasses, anxiously watched these movements in our front and wondered what it all meant. Shortly after 1 o'clock, however, we knew all about it. The headquarter wagons had just come up and General Gibbons had invited Hancock and staff to partake of some lunch. The bread that was handed around—if it ever was eaten—was consumed without butter, for as the orderly was passing the latter article to the gentlemen, a shell from Seminary Ridge cut him in two. Instantly the air was filled with bursting shells; the batteries that we had been watching for the last two hours going into position in our front did not open singly or spasmodically. The whole hundred and twenty

guns, which now began to play upon us, seemed to be discharged simultaneously, as though by electricity. And then for nearly two hours the storm of death went on. I have read many accounts of this artillery duel, but the most graphic description by the most able writers falls far short of the reality. No tongue or pen can find language strong enough to convey any idea of its awfulness. Streams of screaming projectiles poured through the hot air, falling and bursting everywhere. Men and horses were torn limb from limb; caissons exploded one after another in rapid succession, blowing the gunners to pieces. No spot within our lines was free from this frightful iron rain. The infantry hugged close the earth and sought every slight shelter that our light earthworks afforded. It was literally a storm of shot and shell that the oldest soldiers there—those who had taken part in almost every battle of the war—had not yet witnessed. That awful, rushing sound of the flying missiles, which causes the firmest hearts to quail, is everywhere.

“At this tumultuous moment we witness a deed of heroism such as we are apt to attribute only to knights of the olden time. Hancock, mounted and accompanied by his staff, Major Mitchell, Captain Harry Bingham, Captain Isaac Parker and Captain E. P. Bronson, with the corps flag flying in the hands of a brave Irishman, Private James Wells, of the Sixth New York Cavalry, started at the right of his line, where it joins the Taneytown road, and slowly rode along the terrible crest to the extreme left of his position, while shot and shell roared and crashed around him, and every moment tore great gaps in the ranks at his side.

“Storm’d at with shot and shell,  
Boldly they rode, and well.”

It was a gallant deed, and withal not a reckless exposure of life, for the presence and calm demeanor of the commander as he passed through the lines of his men set them an example which an hour later bore good fruit and nerved their stout hearts to win the greatest and most decisive battle ever fought on this continent. For an hour after the firing began our batteries replied vigorously and then ceased altogether, but the rebel shells came by as numerous as ever. Then for over a half hour, not a soul was seen stirring on our line. We might have been an army of dead men for all the evidence of life visible. Suddenly the enemy stopped their fire, which had been going on for nearly two hours without intermission, and then the long lines of their infantry—eighteen thousand strong—emerged from the woods and began their advance.

“At this moment silence reigned along our whole line. With arms at a “right shoulder shift,” the division of Longstreet’s corps moved forward with a precision that was wonderfully beautiful. It is now our turn, and the lines that a few moments before seemed so still now teemed with animation. Eighty of our guns open their brazen mouths; solid shot and shell are sent on their errand of destruction in quick succession. We see them fall in countless numbers among the advancing troops. The accuracy of our fire could not be excelled; the missiles strike right in the ranks, tearing and rending them in every direction. The ground over which they have passed is strewn with dead and wounded. But on they come. The gaps in the ranks are closed as soon as made. They have three-quarters of a mile to pass exposed to our fire, and half the distance is nearly passed. Our gunners now load with canister, and the effect is appalling; but still they march on. Their gallantry is past all praise—it is sublime. Now they are within a hundred yards. Our infantry rise up and pour round after round into these heroic troops.

“At Waterloo the Old Guard recoiled before a less severe fire. But there was no



recoil in these men of the South—they marched right on as though they courted death. They concentrate in great numbers and strike on the most advanced part of our line. The crash of the musketry and the cheers of the men blend together. The Philadelphia brigade occupy this point. They are fighting on their own ground and for their own state, and in the bloody hand-to-hand engagement which ensues, the Confederates, though fighting with desperate valor, find it impossible to dislodge them—they are rooted to the ground. Seeing how utterly hopeless further effort would be, and knowing the impossibility of reaching their lines should they attempt a retreat, large numbers of the rebels lay down their arms, and the battle is won. To the left of the Philadelphia brigade we did not get to such close quarters. Seeing the utter annihilation of Pickett's troops the division of Wilcox and others on their right went to pieces almost before they got within musket range. A few here and there ran away and tried to regain their lines, but many laid down their arms and came in as prisoners. At the most critical moment Hancock fell among his men, on the line of Stannard's Vermont brigade, desperately wounded, but he continued to direct the fight until victory was assured, and then he sent Major Mitchell to announce the glad tidings to the commander of the army. Said he: "Tell General Meade that the troops under my command have repulsed the assault of the enemy, who are now flying in all directions in my front." "Say to General Hancock," said Meade, in reply, "I regret exceedingly that he is wounded, and I thank him for the country and myself for the service he has rendered this day."

That charge was the military culmination of the rebellion, and its defeat was the turning point of the war for the Union. Hancock was formally thanked by Meade, by Congress, by Pennsylvania, by Philadelphia; a grateful people everywhere. And he well might be thanked, for it may be said that when he lay down with his shattered thigh in the ambulance to be carried from that stricken field, he had but then saved the army from disaster, and the country from dismemberment.

#### SPOTTSYLVANIA.

Having partially recovered from his Gettysburg wound Gen. Hancock was in command of his corps through all the terrible battles of the Wilderness, and on the 12th of May, 1864, he achieved the most brilliant as well as the most substantial victory of the campaign. At eleven of that morning he assaulted the enemy's works at Spottsylvania with the Second Corps, and carried them by storm, capturing a major-general and a brigadier, four thousand prisoners, thirty stands of colors and twenty pieces of artillery.

Williamsburg, Gettysburg, Spottsylvania! These, in the brief outline presented here, must suffice to show the character of Hancock's fighting. A perfect narrative of his career, including accounts of his personal daring on the many fields where he was engaged, would read more like tales of knightly emprise than like the sober chronicles of modern warfare.

It cannot be doubted that General Hancock might have received the command of the Army of the Potomac at almost any time after the removal of McClellan. In fact the President and Cabinet seriously contemplated the appointment, notwithstanding Hancock's well-known democratic opinions. But he was a simple, single-hearted soldier, having neither taste nor talent for political intrigue, or indeed for intrigue of any description, and ever faithful to his comrades in the field, he personally urged the retention of Gen. Meade. He remained with the Army of the Potomac, participating conspicuously in all its engagements, until the 26th of November, 1864, when he was ordered to Washington, and directed by the President to enlist and organize a corps of veterans fifty thousand strong. He

was relieved from this service before it was completed and placed in command of the Middle Military Division, embracing the departments of West Virginia, Pennsylvania and Washington, with headquarters at Winchester. This gave him the army of the Shenandoah, numbering nearly a hundred thousand men, and would have proved, had the war continued, a most important command, as it was intended to be. But the sudden collapse of Lee's lines and the surrender at Appomatox put an end to the struggle, and happily Hancock was never required to lead his new army into battle.

As commander of this Military Division he was called to Washington after the assassination of the President, where in obedience not only to official orders, but a universal public sentiment, he remained on duty until the general apprehension arising from that terrible event had been entirely allayed. With the execution of the conspirators, tried and sentenced by a military commission, organized under orders directly from the War Department, he had no immediate connection. The President approved the findings, ordered the execution, and in the case of Mrs. Surratt suspended the writ of *habeas corpus* issued by the civil magistrate. Gen. Hancock did all that lay in his power to save that unfortunate woman from the sudden and ignominious death to which she was hurried by his superiors, and even placed a line of mounted men between the White House and the Arsenal to convey the reprieve in case the President's mind should undergo a change at the last moment.

In July, 1865, Gen. Hancock was transferred to the command of the Middle Department, headquarters at Baltimore, and a year afterward, being then a full major-general in the regular army, to the Department of Missouri, where he conducted various campaigns against hostile Indians in Kansas, Colorado and the Indian Territory.

#### LOUISIANA AND TEXAS.

And now Gen. Hancock entered upon a new field of duty, and won for himself a still stronger title to the lasting gratitude of his countrymen. The states lately in rebellion were at the mercy of the government at Washington, and the policy of that government was founded in partisan rather than patriotic considerations. They were treated as being outside of the Union, to which the war had been waged to restore them, and they were subjected to the operation of a system of laws and administration which, as Mr. Stevens, its principal author, confessed, was "outside of the Constitution." They were cut up into military districts, whose commanders were invested with absolute power, and were expected by those in authority to exercise it with extreme vigor. It was a pure despotism, erected over a large part of the Union, utterly unknown to our previous history, and utterly repugnant to the whole spirit of our institutions. It was itself an institution imported from the old world to serve a party purpose. The people were denied representation, state lines were ignored, state governments extinguished, local institutions were permitted to exist only by grace, and the rights of men were held solely at the will of a single military officer, responsible not to any civil power, not even to the President himself, but to the General of the Army, whom for this purpose the radical Congress had invested with authority belonging to the Chief Magistrate. The avowed object of this monstrous system was to prevent the return of the seceded states to the Union until their political complexion should be made acceptable to the leaders of the Republican party. To this end the whites were largely disfranchised; the blacks were enfranchised, and the whole order of government and of society completely subverted. And all this, although there was not an armed or a declared enemy to the Federal government anywhere within the limits of the United States!



It was under such circumstances that Gen. Hancock was ordered to take command of the Fifth Military District, comprising the great states of Louisiana and Texas. He found in them the peace of the United States as profound as it had ever been since the defeat of the British by his forerunner and prototype, Andrew Jackson. As to the states there was practically none whose peace could be disturbed. There were disorders of a very serious nature, but they arose mainly from the absence of civil government and the overthrow of civil institutions. There was no authority, nor emblem of authority, but the naked sword of the conqueror, and while it impended, promising only the execution of the unstable decrees of a distant and hostile faction, there might be for this people the order of Poland and the peace of Ireland, but none other. It was a situation to try not merely the moral character but the genius of the greatest man of affairs that ever undertook the pacification of a troubled country. Here was a great and a proud people at his feet, without government except that furnished by the force at his command, and without laws except those supplied by his will, and behind him an arrogant political directory, wielding the whole power of the United States, and demanding that he should regard nothing but its partisan interests.

When Gen. Hancock took up the so-called Reconstruction laws, and examined them with the remarkable acumen which he brought to bear to the resolution of legal questions, he ascertained that while they empowered him to displace the civil authorities they did not require him to do so. Holding as he did that no officer, civil or military, had a right to transcend the Constitution, under any circumstances, he yet saw that under these laws there were powers which might properly be exercised, and he was quite willing to assume such as were not "outside" the Federal charter. In other words, he took up that which clearly belonged to him and left that which was as clearly forbidden.

Accordingly, the first act of the new military ruler—whose disposition must have been a subject of painful anxiety to the people he was sent to govern—was to define the nature and extent of the powers he intended to assume. It was done as follows, in "General Orders No. 40," a state paper now as famous as any in the history of England or America :

#### GENERAL ORDER NO. 40.

1. In accordance with General Order No. 81, Headquarters of the Army, Adjutant-General's Office, Washington, D. C., August 27, 1867, Major-General W. S. Hancock hereby assumes command of the Fifth Military District and of the department composed of the States of Louisiana and Texas.

2. The General commanding is gratified to learn that peace and quiet reign in this department. It will be his purpose to preserve this condition of things. As a means to this great end he regards the maintenance of the civil authorities in the faithful execution of the laws as the most efficient under existing circumstances. In war it is indispensable to repel force by force, and overthrow and destroy opposition to lawful authority. But when insurrectionary force has been overthrown and peace established, and the civil authorities are ready and willing to perform their duties, the military power should cease to lead and the civil administration resume its natural and rightful dominion. Solemnly impressed with these views, the General announces that the great principles of American liberty are still the lawful inheritance of this people, and ever should be. The right of trial by jury, the habeas corpus, the liberty of the press, the freedom of speech, the natural rights of persons and the rights of property must be preserved. Free institutions, while they are essential to the prosperity and happiness of the people, always furnish the strongest inducements to peace and order. Crimes and

offenses committed in this district must be referred to the consideration and judgment of the regular civil tribunals, and those tribunals will be supported in their lawful jurisdiction. While the General thus indicates his purpose to respect the liberties of the people, he wishes all to understand that armed insurrection or forcible resistance to the law will be instantly suppressed by arms.

By command of Major-General W. S. HANCOCK.

General Hancock had struck out the true, indeed the only feasible, policy of reconstruction in the few bold and pregnant sentences of this Order, and the country instantly recognized the fact. When the document reached the President he embodied the universal sentiment of sober and considerate citizens in the following special message to Congress :

PRESIDENT JOHNSON'S MESSAGE.

*Gentlemen of the Senate and of the House of Representatives :*

An official copy of the order issued by Major-General Winfield S. Hancock, commander of the fifth military district, dated headquarters in New Orleans, Louisiana, on the 29th day of November, has reached me through the regular channels of the War Department, and I herewith communicate it to Congress for such action as may seem to be proper in view of all the circumstances.

It will be perceived that General Hancock announces that he will make the law the rule of his conduct ; that he will uphold the courts and other civil authorities in the performance of their proper duties ; and that he will use his military power only to preserve the peace and enforce the law. He declares very explicitly that the sacred right of the trial by jury and the privilege of the writ of habeas corpus shall not be crushed out or trodden under foot. He goes further, and, in one comprehensive sentence, asserts that the principles of American liberty are still the inheritance of this people, and ever should be.

When a great soldier with unrestricted power in his hands to oppress his fellow-men voluntarily foregoes the chance of gratifying his selfish ambition and devotes himself to the duty of building up the liberties and strengthening the laws of his country, he presents an example of the highest public virtue that human nature is capable of practicing. The strongest claim of Washington to be "first in war, first in peace, and first in the hearts of his countrymen," is founded on the great fact that in all his illustrious career he scrupulously abstained from violating the legal and constitutional rights of his fellow-citizens. When he surrendered his commission to Congress, the President of that body spoke his highest praise in saying that he had "always regarded the rights of the civil authorities through all dangers and disasters." Whenever power above the law courted his acceptance, he calmly put the temptation aside. By such magnanimous acts of forbearance he won the universal admiration of mankind and left a name which has no rival in the history of the world.

I am far from saying that General Hancock is the only officer of the American army who is influenced by the example of Washington. Doubtless thousands of them are faithfully devoted to the principles for which the men of the Revolution laid down their lives. But the distinguished honor belongs to him of being the first officer in high command south of the Potomac since the close of the civil war who has given utterance to these noble sentiments in the form of a military order.

I respectfully suggest to Congress that some public recognition of General Hancock's patriotic conduct is due, if not to him, to the friends of law and justice throughout the country. Of such an act as his, at such a time, it is but fit



that the dignity should be vindicated and the virtue proclaimed, so that its value as an example may not be lost to the nation.

ANDREW JOHNSON.

WASHINGTON, D. C., December 18, 1867.

In practice Gen. Hancock's novel plan worked almost perfectly. "Free institutions, while they are essential to the prosperity and happiness of the people, *always* furnish the strongest inducements to peace and order." No publicist ever stated this cardinal truth in clearer language, and no statesman ever applied it more wisely, or with more immediate and happy results. Finding a friend and protector where they had expected an enemy and a persecutor, a scrupulous servant of the law, where they had looked for an unrestrained despot, the inhabitants of Louisiana and Texas heartily resumed their allegiance, and went cheerfully about the work of real and substantial reconstruction. The courts resumed their regular procedure; the civil authorities maintained order; crimes of all descriptions and degrees became less frequent; elections were peaceable and honest; the jealousies of the two races, now that the neck of the one was no longer forcibly held under the heel of the other, visibly declined, and the eve of genuine restoration seemed actually at hand. When we reflect upon the long years of misrule which this policy of Hancock's would have saved to the South; upon the untold millions of money wasted by the licentious carpet-baggers, and upon the hideous tortures inflicted by the cloud of vultures invited by the Republican party to flesh their obscene beaks upon this prostrate people, after it was disapproved and reversed, we can form some faint conception of its real value. Had it been pursued to its legitimate consequences, the work of a decade might have been completed in a year, and history would have had to record none of the oppressions, plunderings, and stupendous election frauds—including the great fraud of 1876—which burden the annals of carpet-bag and bayonet government. But while Gen. Hancock was restoring the states rapidly enough, he was restoring them without the smallest regard to partisan political consequences, and the radical directory at Washington, through the generals of the army, hampered and humiliated him at every turn. The President, who appreciated his inestimable services as they deserved, was unable to protect him from these blows in the back, and Hancock was at length compelled to ask for his own recall.

#### LETTER TO GOVERNOR PEASE.

Meanwhile Gen. Hancock had written his celebrated letter to Gov. Pease. Long as it is, it is here given in full, as illustrating his grasp of constitutional and legal principles, his fine judicial temper, and his masterly style of argumentation:

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., March 9, 1868. }

To His Excellency, E. M. PEASE, Governor of Texas:

SIR:—Your communication of the 17th January last was received in due course of mail (the 27th January), but not until it had been widely circulated by the newspaper press. To such a letter—written and published for manifest purposes—it has been my intention to reply as soon as leisure from more important business would permit.

Your statement that the act of Congress "to provide for the more efficient government of the rebel states," declares that whatever government existed in Texas was provisional; that peace and order should be enforced; that Texas should be part of the Fifth Military District, and subject to military power; that the President should appoint an officer to command in said district, and detail a force to protect the rights of person and property, suppress insurrection and violence, and

punish offenders, either by military commission or through the action of local civil tribunals, as in his judgment might seem best, will not be disputed. One need only read the act to perceive it contains such provisions. But how all this is supposed to have made it my duty to order the military commission requested, you have entirely failed to show. The power to do a thing, if shown, and the propriety of doing it, are often very different matters. You observe you are at a loss to understand how a government, without representation in Congress, or a militia force, and subject to military power, can be said to be in the full exercise of all its proper powers. You do not reflect that this government, created or permitted by Congress, has all the powers which the act intends, and may fully exercise them accordingly. If you think it ought to have more powers, should be allowed to send members to Congress, wield a militia force, and possess yet other powers, your complaint is not to be preferred against me, but against Congress, who made it what it is.

As respects the issue between us, any question as to what Congress ought to have done has no pertinence. You admit the act of Congress authorizes me to try an offender by military commission, or allow the local civil tribunals to try, as I shall deem best; and you cannot deny the act expressly recognizes such local civil tribunals as legal authorities for the purpose specified. When you contend there are no legal local tribunals for any purpose in Texas, you must either deny the plain reading of the act of Congress or the power of Congress to pass the act.

You next remark that you dissent from my declaration, "that the country (Texas) is in a state of profound peace," and proceed to state the grounds of your dissent. They appear to me not a little extraordinary. I quote your words: "It is true there no longer exists here (Texas) any organized resistance to the authority of the United States." "But a large majority of the white population who participated in the late rebellion, are embittered against the government, and yield to it an unwilling obedience." Nevertheless, you concede they do yield it obedience. You proceed:

"None of this class have any affection for the government, and very few any respect for it. They regard the legislation of Congress on the subject of reconstruction as unconstitutional and hostile to their interests, and consider the government now existing here under authority of the United States as a usurpation on their rights. They look on the emancipation of their late slaves and the disfranchisement of a portion of their own class, as an act of insult and oppression."

And this is all you have to present for proof that war and not peace prevails in Texas; and hence it becomes my duty—so you suppose—to set aside the local civil tribunals, and enforce the penal code against citizens by means of military commissions.

My dear sir, I am not a lawyer, nor has it been my business, as it may have been yours, to study the philosophy of statecraft and politics. But I may lay claim, after an experience of more than half a lifetime, to some poor knowledge of men, and some appreciation of what is necessary to social order and happiness. And for the future of our common country, I could devoutly wish that no great number of our people have yet fallen in with the views you appear to entertain. Woe be to us whenever it shall come to pass that the power of the magistrate—civil or military—is permitted to deal with the mere opinions or feelings of the people.

I have been accustomed to believe that sentiments of respect or disrespect, and feelings of affection, love or hatred, so long as not developed into acts in



violation of law, were matters wholly beyond the punitive power of human tribunals.

I will maintain that the entire freedom of thought and speech, however acrimoniously indulged, is consistent with the noblest aspirations of man, and the happiest condition of his race.

When a boy, I remember to have read a speech of Lord Chatham, delivered in Parliament. It was during our Revolutionary War, and related to the policy of employing the savages on the side of Britain. You may be more familiar with the speech than I am. If I am not greatly mistaken, his lordship denounced the British Government—his government—in terms of unmeasured bitterness. He characterized its policy as revolting to every sentiment of humanity and religion; proclaimed it covered with disgrace, and vented his eternal abhorrence of it and its measures. It may, I think, be safely asserted that a majority of the British nation concurred in the views of Lord Chatham. But who ever supposed that profound peace was not existing in that kingdom, or that the government had any authority to question the absolute right of the opposition to express their objections to the propriety of the king's measures in any words, or to any extent they pleased? It would be difficult to show that the opponents of the government in the days of the elder Adams, or Jefferson, or Jackson, exhibited for it either "affection" or "respect." You are conversant with the history of our past parties and political struggles touching legislation on alienage, sedition, the embargo, national banks, our wars with England and Mexico, and cannot be ignorant of the fact, that for one party to assert that a law or system of legislation is unconstitutional, oppressive and usurpative, is not a new thing in the United States. That the people of Texas consider acts of Congress unconstitutional, oppressive, or insulting to them, is of no consequence to the matter in hand. The President of the United States has announced his opinion that these acts of Congress are unconstitutional. The Supreme Court, as you are aware, not long ago decided unanimously that a certain military commission was unconstitutional. Our people everywhere, in every state, without reference to the side they took during the rebellion, differ as to the constitutionality of these acts of Congress. How the matter really is, neither you nor I may dogmatically affirm.

If you deem them constitutional laws, and beneficial to the country, you not only have the right to publish your opinions, but it might be your bounden duty as a citizen to do so. Not less is it the privilege and duty of any and every citizen, wherever residing, to publish his opinion freely and fearlessly on this and every question which he thinks concerns his interest. This is merely in accordance with the principles of our free government; and neither you nor I would wish to live under any other. It is time now, at the end of almost two years from the close of the war, we should begin to recollect what manner of people we are; to tolerate again free, popular discussion, and extend some forbearance and consideration to opposing views. The maxims that in all intellectual contests truth is mighty and must prevail, and that error is harmless when reason is left free to combat it, are not only sound, but salutary. It is a poor compliment to the merits of such a cause, that its advocates would silence opposition by force; and generally those only who are in the wrong would resort to this ungenerous means. I am confident you will not commit your serious judgment to the proposition that any amount of discussion, or any sort of opinions, however unwise in your judgment, or any assertion or feeling, however resentful or bitter, not resulting in a breach of law, can furnish justification for your denial that profound peace exists in Texas. You

might as well deny that profound peace exists in New York, Pennsylvania, Maryland, California, Ohio and Kentucky, where a majority of the people differ with a minority on these questions ; or that profound peace exists in the House of Representatives or the Senate at Washington, or in the Supreme Court, where all these questions have been repeatedly discussed, and parties respectfully and patiently heard. You next complain that in parts of the state (Texas) it is difficult to enforce the criminal laws ; that sheriffs fail to arrest ; that grand jurors will not always indict ; that in some cases the military acting in aid of the civil authorities have not been able to execute the process of the courts ; that petit jurors have acquitted persons adjudged guilty by you ; and that other persons charged with offences have broke jail and fled from persecution. I know not how these things are ; but admitting your representations literally true, if for such reasons I should set aside the local civil tribunals and order a military commission, there is no place in the United States where it might not be done with equal propriety. There is not a state in the Union—North or South—where the like facts are not continually happening. Perfection is not to be predicted of man or his works. No one can reasonably expect certain and absolute justice in human transactions ; and if military power is to be set in motion, on the principles for which you would seem to contend, I fear that a civil government, regulated by laws, could have no abiding place beneath the circuit of the sun. It is rather more than hinted in your letter, that there is no local state government in Texas, and no local laws outside of the acts of Congress, which I ought to respect ; and that I should undertake to protect the rights of persons and property in *my own way* and in an *arbitrary manner*. If such be your meaning, I am compelled to differ with you. After the abolition of slavery (an event which I hope no one now regrets), the laws of Louisiana and Texas existing prior to the rebellion and not in conflict with the acts of Congress, comprised a vast system of jurisprudence, both civil and criminal. It required not volumes only, but libraries to contain them. They laid down principles and precedents for ascertaining the rights and adjusting the controversies of men in every conceivable case. They were the creations of great and good and learned men, who had labored, in their day, for their kind, and gone down to the grave long before our recent troubles, leaving their works an inestimable legacy to the human race. These laws, as I am informed, connected the civilization of past and present ages, and testified of the justice, wisdom, humanity and patriotism of more than one nation, through whose records they descended to the present people of the states. I am satisfied, from the representations of persons competent to judge, they are as perfect a system of laws as may be found elsewhere, and better suited than any other to the condition of this people, for by them they have long been governed. Why should it be supposed Congress has abolished these laws ? Why should any one wish to abolish them ? They have committed no treason, nor are hostile to the United States, nor countenance crime, nor favor injustice. On them, as on a foundation of rock, reposes almost the entire superstructure of social order in these two States. Annul this code of local laws, and there would be no longer any rights, either of person or property, here. Abolish the local civil tribunals made to execute them, and you would virtually annul the laws, except in reference to the very few cases cognizable in the Federal courts. Let us for a moment suppose the whole local civil code annulled, and that I am left, as commander of the Fifth Military District, the sole fountain of law and justice. This is the position in which you would place me.

I am now to protect all rights and redress all wrongs. How is it possible for me to do it ? Innumerable questions arise, of which I am not only ignorant,



but to the solution of which a military court is entirely unfitted. One would establish a will, another a deed ; or the question is one of succession, or partnership, or descent, or trust ; a suit of ejectment or claim to chattels ; or the application may relate to robbery, theft, arson, or murder. How am I to take the first step in any such matter ? If I turn to the acts of Congress I find nothing on the subject. I dare not open the authors on the local code, for it has ceased to exist !

And you tell me that in this perplexing condition I am to furnish by dint of my own hasty and crude judgment, the legislation demanded by the vast and manifold interests of the people ! I repeat, sir, that you, and not Congress, are responsible for the monstrous suggestion that there are no local laws or institutions here to be respected by me, outside the acts of Congress. I say unhesitatingly, if it were possible that Congress should pass an act abolishing the local codes for Louisiana and Texas—which I do not believe—and it should fall to my lot to supply their places with something of my own, I do not see how I could do better than follow the laws in force here prior to the rebellion, excepting whatever therein shall relate to slavery. Power may destroy the forms, but not the principles of justice ; these will live in spite even of the sword. History tells us that the Roman pandects were lost for a long period among the rubbish that war and revolution had heaped upon them, but at length were dug out of the ruins—again to be regarded as a precious treasure.

You are pleased to state that “since the publication of (my) General Orders No. 40, there has been a perceptible increase of crime and manifestations of hostile feeling toward the government and its supporters,” and add that it is “an unpleasant duty to give such a recital of the condition of the country.”

You will permit me to say that I deem it impossible the first of these statements can be true, and that I do very greatly doubt the correctness of the second. General Orders No. 40 was issued at New Orleans, November 29, 1867, and your letter was dated January 17, 1868. Allowing time for Order No. 40 to reach Texas and become generally known, some additional time must have elapsed before its effect would be manifested, and yet a further time must transpire before you would be able to collect the evidence of what you term “the condition of the country ;” and yet, after all this, you would have to make the necessary investigations to ascertain if Order No. 40 or something else was the cause. The time, therefore, remaining to enable you, before the 17th of January, 1868, to reach a satisfactory conclusion on so delicate and nice a question must have been very short. How you proceeded, whether you investigated yourself or through third persons, and if so, who they were, what their competency and fairness, on what evidence you rested your conclusion, or whether you ascertained any facts at all, are points upon which your letter so discreetly omits all mention, that I may well be excused for not relying implicitly upon it ; nor is my difficulty diminished by the fact that in another part of your letter you state that ever since the close of the war a very large portion of the people have had no affection for the government, but bitterness of feeling only. Had the duty of publishing and circulating through the country long before it reached me, your statement that the action of the district commander was increasing crime and hostile feeling against the government, been less painful to your sensibilities, it might possibly have occurred to you to furnish something on the subject in addition to your bare assertion.

But what was Order No. 40, and how could it have the effect you attribute to it ? It sets forth that “the great principles of American liberty are still the inheritance of this people and ever should be ; that the right of trial by jury, the

habeas corpus, the liberty of the press, the freedom of speech, and the natural rights of persons and property must be preserved." Will you question the truth of these declarations? Which one of these great principles of liberty are you ready to deny and repudiate? Whoever does so, avows himself the enemy of human liberty and the advocate of despotism. Was there any intimation in General Orders No. 40 that any crimes or breaches of law would be countenanced? You know that there was not. On the contrary, you know perfectly well that while "the consideration of crime and offences committed in the Fifth Military District was referred to the judgment of the regular civil tribunals," a pledge was given in Order No. 40, which all understood, that tribunals would be supported in their lawful jurisdiction, and that "forcible resistance to law would be instantly suppressed by arms." You will not affirm that this pledge has ever been forfeited. There has not been a moment since I have been in command of the Fifth District when the whole military force in my hands has not been ready to support the civil authorities of Texas in the execution of the laws. And I am unwilling to believe they would refuse to call for aid if they needed it.

There are some considerations which, 'it seems to me, should cause you to hesitate before indulging in wholesale censure against the civil authorities of Texas. You are yourself the chief of these authorities, not elected by the people, but created by the military. Not long after you had thus come into office, all the judges of the Supreme Court of Texas—five in number—were removed from office, and new appointments made; twelve of the seventeen district judges were removed, and others appointed. County officers, more or less, in seventy-five out of one hundred and twenty-eight counties, were removed, and others appointed in their places. It is fair to conclude that the executive and judicial civil functionaries in Texas are the persons whom you desired to fill the offices. It is proper to mention, also, that none but registered citizens, and only those who could take the test oath, have been allowed to serve as jurors during your administration. Now, it is against this local government created by military power prior to my coming here, and so composed of your personal and political friends, that you have preferred the most grievous complaints. It is of them that you have asserted they will not do their duty; they will not maintain justice; will not arrest offenders; will not punish crimes; and that out of one hundred homicides committed in the last twelve months, not over ten arrests have been made; and by means of such gross disregard of duty, you declare that neither property nor life is safe in Texas.

Certainly you could have said nothing more to the discredit of the officials who are now in office. If the facts be as you allege, a mystery is presented for which I can imagine no explanation. Why is it that your political friends, backed up and sustained by the whole military power of the United States in this district, should be unwilling to enforce the laws against that part of the population lately in rebellion, and whom you represent as the offenders? In all the history of these troubles I have never seen nor heard before of such a fact. I repeat, if the fact be so, it is a profound mystery, utterly surpassing my comprehension. I am constrained to declare that I believe you are in very great error as to facts. On careful examination at the proper source, I find that at the date of your letter four cases only of homicides had been reported to these headquarters as having occurred since November 29, 1867, the date of Order 40, and these cases were ordered to be tried or investigated as soon as the reports were received. However, the fact of the one hundred homicides may still be correct, as stated by you. The Freedman's Bureau in Texas reported one hundred and sixty; how



many of these were by Indians and Mexicans, and how the remainder were classified, is not known, nor is it known whether these data are accurate.

The report of the commanding officer of the District of Texas shows that since I assumed command no applications have been made to him by you for the arrest of criminals in the State of Texas.

To this date eighteen cases of homicides have been reported to me as having occurred since November 29, 1867, although special instructions had been given to report such cases as they occur. Of these, five were committed by Indians, one by a Mexican, one by an insane man, three by colored men, two of women by their husbands, and of the remainder some by parties unknown—all of which could be scarcely attributable to Order No. 40. If the reports received since the issuing of Order No. 40 are correct, they exhibit no increase of homicides in my time, if you are correct that one hundred had occurred in the past twelve months.

That there has not been a perfect administration of justice in Texas I am not prepared to deny.

That there has been no such wanton disregard of duty on the part of officials as you allege, I am well satisfied. A very little while ago you regarded the present officials in Texas the only ones who could be safely trusted with power. Now you pronounce them worthless, and would cast them aside.

I have found little else in your letter but indications of temper, lashed into excitement by causes which I deem mostly imaginary, a great confidence in the accuracy of your own opinions, and an intolerance of the opinions of others, a desire to punish the thoughts and feelings of those who differ from you, and an impatience which magnifies the shortcomings of officials who are perhaps as earnest and conscientious in the discharge of their duties as yourself, and a most unsound conclusion that while any persons are to be found wanting in affection or respect for government, or yielding its obedience from motives which you do not approve, war, and not peace, is the status, and all such persons are the proper subjects for military penal jurisdiction.

If I have written anything to disabuse your mind of so grave an error, I shall be gratified.

I am, sir, very respectfully, your obedient servant,

W. S. HANCOCK,

Major-General Commanding.

It may be remarked in passing that about this time a bill was introduced in the House of Representatives to reduce the number of major-generals in the army, the object being to reach Gen. Hancock, and wreak upon him a paltry vengeance for his manly and independent conduct. It came originally from the hands of James A. Garfield, a member from Ohio, who had left the army in the field to accept his seat, and who, cowering under the party lash of Mr. Stevens, had been voting undistinguished in the crowd of reckless partisans, for all the reconstruction laws "outside the Constitution."

Gen. Hancock retired from the command of the Fifth Military District with an assured reputation for enlightened statesmanship of the highest order. He was never again called upon to deal with civil affairs, nearly or remotely, until December, 1875. During all that year, it will be remembered, Mr. Bristow, Secretary of the Treasury, had been endeavoring, by methods, ordinary and extraordinary, to break up the Whiskey Ring which had been robbing the government of vast sums, and to bring some of its guilty members to justice. Among others, Gen. Babcock, the near personal friend and private Secretary of President Grant, was accused of complicity in the frauds and duly indicted

at St. Louis. Then began one of the most remarkable contests ever seen. The President seemed fatally bent upon protecting Babcock at any cost. The Attorney-General was equally determined. On the other hand, the District Attorney at St. Louis was thoroughly convinced of his guilt and anxious to bring him to trial. How could the favorite be dragged out of the very jaws of justice which then stood open to crush him? He was an officer in the army, and if the President could be induced to order a court of inquiry, the evidence might be taken from the prosecutor at St. Louis and turned over to the Judge Advocate, then again conveniently superseding the civil law by the military authorities. Babcock asked for the court and it was ordered. Things might have gone very smoothly and reached a conclusion in accordance with the original intention but for the fact that Gen. Hancock was a member. It was impossible to befog his clear understanding as to the proper relations of the military either to the crime or the accused, and the following is the brief record of the first and the last meeting of the court:

#### SPEECH AND MOTION IN BABCOCK CASE.

Gen. W. S. Hancock arose in his place and addressing the Court, said:

MR. PRESIDENT: I have a motion to make to the Court which will be proper to be made before the Court is sworn, if it be made at all. If the Court are prepared to hear me, I will proceed at once.

Lieut.-Gen. Sheridan: Proceed, General; the Court will hear you.

Gen. Hancock then read the following motion: "A sense of duty to the laws, to the military service, and to the accused impels me to ask your concurrence in a postponement of this inquiry for the present. We are all bound to believe in the entire innocence of Gen. Babcock, and this presumption cannot be repelled without the evidence. It is due to him to suppose that the court of inquiry was asked in good faith for the reasons given. What were these reasons? In the course of a legal trial in St. Louis, Col. Babcock was alleged to be guilty of a high criminal offense. He asked for a hearing in the same Court, but was informed that he could not have it, because the evidence was closed. These circumstances had led him to demand a court of inquiry, as the only means of vindication that was left. Since then he has been formally indicted, and is now certain of getting that full and fair trial before an impartial jury which the laws of the country guarantee to all its citizens. The supposed necessity of convening a military court for the determination of his guilt or innocence no longer exists. It is not believed that our action as a military tribunal can oust the jurisdiction of the Court in which the indictment is pending. The President has said through the Attorney-General, that such was not the intention. Then the trial at St. Louis and this inquiry must go on at the same time, unless we await the result of the inquiry there.

"The difficulties are very formidable. The accused must be present at the trial of the indictment. Shall we proceed and hear the cause behind his back, or shall we vex him with two trials at once? The injustice of this is manifest.

"I presume from the nature of the case that the evidence is very voluminous, consisting of records, papers and oral testimony. Can we compel the production of these while they are wanted for the purposes of the trial at St. Louis? Certainly not, if the military be, as the Constitution declares, subordinate to the civil authorities. Shall we proceed without evidence and give an opinion in ignorance of the facts? That cannot be the wish of anybody. I take it for granted that the trial at St. Louis will be fair as well as legal, and that the judgment will



be according to the very truth and justice of the cause. It will, without question, be binding and conclusive upon us, upon the government, upon the accused and upon the world. If he should be convicted, no decision of ours could rescue him from the hands of the law. If he is acquitted, our belief in his innocence will be of no consequence. If we anticipate the trial in the civil court, our judgment, whether for the accused or against him, will have, and ought to have, no effect upon the jurors. It cannot even be made known to them, and any attempt to influence them by it would justly be regarded as an obstruction of public justice. On the other hand, his conviction there would be conclusive evidence of his guilt, and his acquittal will relieve him of the necessity of showing anything but the record. I do not propose to postpone indefinitely, but simply to adjourn from day to day until the evidence upon the subject of our inquiry shall receive that definite and conclusive shape which will be impressed upon it by the verdict of the jury; or until our action, having been referred to the War Department, with our opinion that our proceedings should be stayed during the proceedings of the court of law, shall have been confirmed. In case of acquittal by the civil court, the functions of this court will not necessarily have terminated. The accused may be pronounced innocent of any crime against the statute, and yet be guilty of some act which the military law might punish by expulsion from the army. In case of acquittal, he may insist upon showing to us that he has done nothing inconsistent with "the conduct of an officer and a gentleman," as the article of war runs; but the great and important question is, "Guilty or not, in manner and form, as he stands indicted?" and this can be legally answered only by a jury of his country."

#### ADDRESS AT WASHINGTON OVATION.

On September 24, 1867, while Gen. Hancock was on his way to New Orleans to take command there, a grand ovation was tendered him at the Metropolitan Hotel in Washington city. The *National Intelligencer* of the next day, speaking of the ovation, said: "When considered that it was a spontaneous offering of the citizens of the District, it may be regarded as a triumphant recognition of the noble character of the citizen and soldier who was the recipient of the honor paid him on this occasion."

An immense audience was assembled, and Gen. Hancock was introduced by Hon. Amasa Cobb, of Wisconsin, then a Republican member of Congress, and now a Republican judge of the Supreme Court of Nebraska. Gen. Cobb said:

"To me has been intrusted the pleasant duty of appearing before you in the capacity of an old friend and comrade of the distinguished general now before you, to introduce him to you on this occasion. Six years ago I had the honor to be in command of a volunteer regiment in the Army of the Potomac, and, with three other regiments, had the good fortune to be placed under the command of the then newly appointed Brig. Gen. Hancock. During the long and tedious winter of 1861 and 1862, we did duty in front of this capital, devoting the days to discipline and the nights to watching and picket. We were volunteers. The general was a regular army officer. All of you who passed through similar experience will bear me witness that the volunteers felt the rigors of discipline when placed under such disciplinarians as that army was commanded by, and its discipline and after efficiency was owing chiefly, if not wholly, to this fact. The winter passed away, and the army finally moved, and in the course of the war they were brought in front of the enemy. Gen. Hancock's first brigade succeeded in turning the enemy's left at Williamsburg, and afterwards he prevented the victorious

enemy from driving the lines of McClellan from the Chickahominy, and later on it came up to save the day at Antietam, and now I esteem it a great honor bestowed upon me and my old regiment to have the opportunity of standing here by that great general's side, bearing testimony to his kindness of heart, his gallantry as a soldier and his trueness as a man."

The speaker here turned to Gen. Hancock and said:

"Allow me to say that to your new field of duty the hearts of your old brigade go with you, knowing that wherever you may go the country will have a brave and efficient soldier, and that flag a gallant defender."

Gen. Hancock was received with much applause, and replied as follows:

"*Citizens of Washington:* I thank you for this testimony of your confidence in my ability to perform my duty in a new and different sphere. Educated as a soldier in the military school of our country, and on the field of the Mexican war and American rebellion, I need not assure you that my course as a district commander will be characterized by the same strict obedience to the law there taught me as a soldier. I know no other guide or higher duty. Misrepresentation and misconstruction arising from the passions of the hour, and spread by those who do not know that devotion to duty has governed my actions in every trying hour, may meet me, but I fear them not. My highest desire will be to perform the duties of my new sphere, not in the interest of parties or partisans, but for the benefit of my country, the honor of my profession, and I trust also for the welfare of the people committed to my care. I ask, then, citizens, that time may be permitted to develop my actions. Judge me by the deeds I may perform, and conscious of my devotion to duty and my country, I shall be satisfied with your verdict, and if a generous country shall approve my actions in the future, as it has in the past, my highest ambition will have been achieved. As a soldier, I am to administer the laws, rather than discuss them. If I can administer them to the satisfaction of my country, I shall indeed be happy in the consciousness of a duty performed. I am about to leave your city—the capital of our country—bearing the proud name of Washington. As an American citizen, the rapid development and increase of its wealth, beauty and prosperity is a matter in which I am deeply interested; but far beyond this, citizens of Washington, I rejoice with you that, in the trying hour of the rebellion, the capital of the nation contributed as fully in proportion to its numbers as any state in the Union to the brave volunteer army which has demonstrated to the world the strength and invincibility of a republican form of government. I shall carry with me the recollections of this occasion, and when I return, may I not hope that none who are here will regret their participation in the honor you have done me to-night?"

Since 1868 Gen. Hancock has been in command of the Department of Dakota and the Military Division of the Atlantic; but his pre-eminent qualifications for the Presidency have from that time to this been widely recognized by his countrymen; and although himself seeking no such distinction, and promoting no steps in that direction, his name has commanded a large vote in every succeeding Democratic convention, until, by the last, he was unanimously nominated for that great office.



## HANCOCK TO SHERMAN.

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Congress met on December 4th, 1876. The results of the returning boards' frauds in Louisiana, South Carolina and Florida, were then known throughout the country. A large number of troops were concentrated at Washington, and there was much apprehension that the army would be called upon to take part in the settlement of the presidential contest. General Sherman, commanding the army of the United States, consulted with his immediate subordinates as to their views of their duty under these circumstances. He wrote to General Hancock two letters, one on the 4th of December, 1876, and the other on the 17th of the same month. General Hancock replied to these letters on December 28th, from Carondelet, near St. Louis, Missouri.

After Hancock's nomination for the presidency, the Republican press circulated a story that between the presidential election of 1876, and the establishment of the Electoral Commission, General Hancock, had written a letter to General Sherman, declaring his intention "to take his orders from Mr. Tilden," and expressing treasonable sentiments. The statements of Republican newspapers were not refuted for some time for the reason that General Sherman was absent in the far West, and the letter could not with propriety be published without his consent. That consent was given at the end of July last, and the letter was first published on the 1st of August. Its publication has not only absolutely refuted the falsehoods which had been circulated in relation to it, but has resulted in making plain to the world General Hancock's profound statesmanship and his pre-eminent fitness for the office of President of the United States.

### GENERAL HANCOCK TO GENERAL SHERMAN.

CARONDELET P. O.,  
ST. LOUIS, MO., December 28, 1876. }

*My Dear General:* Your favor of the 4th instant reached me in New York on the 5th, the day before I left for the West. I intended to reply to it before leaving, but cares incident to departure interfered. Then again, since my arrival here I have been so occupied with personal affairs of a business nature that I have deferred writing from day to day until this moment, and now I find myself in debt to you another letter in acknowledgment of your favor of the 17th, received a few days since.

I have concluded to leave here on the 29th (to-morrow) P. M., so that I may be expected in New York on the 31st instant. It has been cold and dreary since my arrival here. I have worked "like a Turk" (I presume that means hard work in the country, in making fences, cutting down trees, repairing buildings, &c., &c., and am at least able to say that St. Louis is the coldest place in the winter, as it is the hottest in summer, of any that I have encountered in a temperate zone. I have known St. Louis in December to have genial weather throughout

the month; this December has been frigid, and the river has been frozen more solid than I have ever known it.

When I heard the rumor that I was ordered to the Pacific coast I thought it probably true, considering the past discussion on that subject. The *possibilities* seemed to me to point that way. Had it been true I should, of course, have presented no complaint nor made resistance of any kind. I would have gone quietly if not prepared to go promptly. I certainly would have been relieved from the responsibilities and anxieties concerning Presidential matters which may fall to those near the throne or in authority within the next four months, as well as from other incidents or matters which I could not control, and the action concerning which I might not approve. I was not exactly prepared to go to the Pacific, however, and I therefore felt relieved when I received your note informing me that there was no truth in the rumors.

Then, I did not wish to appear to be escaping from responsibilities and possible dangers which may cluster around military commanders in the East, especially in the critical period fast approaching. All's well that ends well. The whole matter of the Presidency seems to me to be simple, and to admit of a peaceful solution. The machinery for such a contingency as threatens to present itself has been all carefully prepared. It only requires lubrication, owing to disuse. The army should have nothing to do with the selection or inauguration of Presidents. The people elect the President. The Congress declares in a joint session who he is. We of the army have only to obey his mandates, and are protected in so doing only so far as they may be lawful. Our commissions express that. I like Jefferson's way of inauguration; it suits our system. He rode alone on horseback to the Capitol (I fear it was the "Old Capitol"), tied his horse to a rail fence, entered and was duly sworn, then rode to the Executive Mansion and took possession. He inaugurated himself, simply by taking the oath of office. There is no other legal inauguration in our system. The people or politicians may institute parades in honor of the event, and public officials may add to the pageant by assembling troops and banners, but all that only comes properly after the inauguration—not before, and it is not a part of it. Our system does not provide that one President should inaugurate another. There might be danger in that, and it was studiously left out of the charter. But *you* are placed in an exceptionally important position in connection with coming events. The capital is in my jurisdiction also, but I am a subordinate, and not on the spot, and if I were, so also would be my superior in authority, for there is the station of the General-in-Chief.

On the principle that a regularly elected President's term of office expires with the 3d of March (of which I have not the slightest doubt), and which the laws bearing on the subject uniformly recognize, and in consideration of the possibility that the lawfully elected President may not appear until the 5th of March, a great deal of responsibility may necessarily fall upon you. You hold over! You will have power and prestige to support you. The Secretary of War, too, probably, holds over; but if no President appears, he may not be able to exercise functions in the name of a President, for his proper acts are those of a known superior—a lawful President. You act on your own responsibility and by virtue of a commission, only restricted by the law. The Secretary of War is the mouthpiece of a President. You are not. If neither candidate has a constitutional majority of the Electoral College, or the Senate and House on the occasion of the count do not unite in declaring some person legally elected by the people, there is a lawful machinery already provided to meet that contingency and decide the question peace-



fully. It has not been recently used, no occasion presenting itself, but our forefathers provided it. It has been exercised, and has been recognized and submitted to as lawful on every hand. That machinery would probably elect Mr. Tilden President and Mr. Wheeler Vice-President. That would be right enough, for the law provides that in a failure to elect duly by the people, the House shall immediately elect the President and the Senate the Vice-President. Some tribunal must decide whether the people have duly elected a President. I presume, of course, that it is in the joint affirmative action of the Senate and House, or why are they present to witness the count if not to see that it is fair and just? If a failure to agree arises between the two bodies, there can be no lawful affirmative decision that the people have elected a President, and the House must then proceed to act, *not* the Senate. The Senate elects Vice-Presidents, not Presidents. Doubtless in case of a failure by the House to elect a President by the 4th of March, the President of the Senate (if there be one) would be the legitimate person to exercise presidential authority for the time being, or until the appearance of a lawful President, or for the time laid down in the Constitution. Such courses would be peaceful, and, I have a firm belief, lawful.

I have no doubt Governor Hayes would make an excellent President. I have met him and know of him. For a brief period he served under my command, but as the matter stands I can't see any likelihood of his being duly declared elected by the people unless the Senate and House come to be in accord as to that fact, and the House would of course not *otherwise* elect him. What the people want is a peaceful determination of this matter, as fair a determination as possible, and a lawful one. No other Administration could stand the test. The country if not plunged into revolution would become poorer day by day, business would languish, and our bonds would come home to find a depreciated market.

I was not in favor of the military action in South Carolina recently, and if General Ruger had telegraphed to me or asked for advice I would have advised him not under any circumstances to allow himself or his troops to determine who were the lawful members of a State Legislature. I could not have given him better advice than to refer him to the special message of the President in the case of Louisiana some time before.

But in South Carolina he had had the question settled by a decision of the Supreme Court of the State—the highest tribunal which had acted on the question—so that his line of duty seemed even to be clearer than the action in the Louisiana case. If the Federal court had interfered and overruled the decision of the State court there might have been a doubt certainly, but the Federal court only interfered to complicate—not to decide or overrule.

Anyhow it is no business of the army to enter upon such questions, and even if it might be so in any event, if the civil authority is supreme, as the Constitution declares it to be, the South Carolina case was one in which the army had a plain duty.

Had General Ruger asked me for advice, and if I had given it, I should of course have notified you of my action immediately, so that it could have been promptly overruled if it should have been deemed advisable by you or other superior in authority. General Ruger did not ask for my advice, and I inferred from that and other facts that he did not desire it, or that, being in direct communication with my military superiors at the seat of Government, who were nearer to him in time and distance than I was, he deemed it unnecessary. As General Ruger had the ultimate responsibility of action and had really the greater

danger to confront in the final action in the matter, I did not venture to embarrass him by suggestions. He was a department commander, and the lawful head of the military administration within the limits of the department; but besides I knew that he had been called to Washington for consultation before taking command, and was probably aware of the views of the administration as to civil affairs in his command. I knew that he was in direct communication with my superiors in authority in reference to the delicate subjects presented for his consideration, or had ideas of his own which he believed to be sufficiently in accord with the views of our common superiors to enable him to act intelligently according to his judgment, and without suggestions from those not on the spot and not as fully acquainted with the facts as himself. He desired, too, to be free to act, as he had the eventual greater responsibility, and so the matter was governed as between him and myself.

As I have been writing thus freely to you, I may still further unbosom myself by stating that I have not thought it lawful or wise to use Federal troops in such matters as have transpired east of the Mississippi within the last few months, save so far as they may be brought into action under the article of the Constitution which contemplates meeting armed resistance or invasion of a state more powerful than the state authorities can subdue by the ordinary processes, and then only when requested by the legislature, or, if it could not be convened in season, by the Governor; and when the President of the United States intervenes in that manner it is a state of war, *not* peace.

The army is laboring under disadvantages and has been used unlawfully at times in the judgment of the people (in mine certainly), and we have lost a great deal of the kindly feeling which the community at large once felt for us. "It is time to stop and unload."

Officers in command of troops often find it difficult to act wisely and safely when superiors in authority have different views of the law from theirs, and when legislation has sanctioned action seemingly in conflict with the fundamental law, and they generally defer to the known judgment of their superiors. Yet the superior officers of the army are so regarded in such great crises and are held to such responsibility, especially those at or near the head of it, that it is necessary on such momentous occasions to dare to determine for themselves what is lawful and what is not lawful under our system, if the military authorities should be invoked, as might possibly be the case in such exceptional times when there existed such divergent views as to the correct result. The army will suffer from its past action if it has acted wrongfully. Our regular army has little hold upon the affections of the people of to-day, and its superior officers should certainly, as far as lies in their power, legally and with righteous intent aim to defend the right, which to us is **THE LAW**, and the institution which they represent. It is a well-meaning institution, and it would be well if it should have an opportunity to be recognized as a bulwark in support of the rights of the people and of **THE LAW**.

I am truly yours,

WINFIELD S. HANCOCK.

To General W. T. SHERMAN, commanding Army of the United States, Washington, D. C.



## LIFE OF WILLIAM H. ENGLISH.

In the cemetery of the thriving but rather quiet town of Carrollton, the county seat of Greene county, Ill., there is, or was some years ago, an unpretentious monument, standing by two graves, bearing the following inscriptions :

"In memory of Elisha English, born March 2, 1768, near Laurel, Sussex county, Del. Married Sarah Wharton, Dec. 10, 1788. Removed to Kentucky in 1790, and to Greene county, Illinois, in 1830. Died at Louisville, Ky., March 7, 1857. He was a faithful husband, a kind father and an honest man.

"In memory of Sarah Wharton, wife of Elisha English. Died November 27, 1849, in the eighty-second year of her age. She was kind to her neighbors, devoted to her family, and a noble woman in all the relations of life.

"My father and my mother. They lived lovingly together as husband and wife over sixty years, and, before the tie was broken, could number two hundred living descendants. Their fourteen children all married and had children before a death occurred in the family. This monument is erected to their memory by Elisha G. English, of Indiana."

These are the grandparents, on the father's side, of the subject of this sketch, the Hon. William H. English, and the facts disclosed by these inscriptions embody the most that is known of their history.

On the mother's side, his grandparents "sleep their last sleep" in the Rikers Ridge (or Hillis) burying-ground, a romantic spot near the Ohio river, a few miles northeast of Madison, Indiana, and again recourse is had to a monument which marks their graves as containing an epitome of the most that is known of their history:

"In memory of Philip Eastin, a lieutenant in the Fourth Virginia regiment in the war of the American Revolution, who was buried in this secluded spot in the year 1817, leaving his widow and a large family of children to mourn his loss. 'He sleeps his last sleep, he has fought his last battle.' Honor his memory; he was one of the brave and true men whose gallant deeds gave freedom and independence to our country.

"In memory of Sarah Smith Eastin, who died near this place and was buried here in the year 1843. She was married to Lieutenant Philip Eastin at Winchester, Va., in 1782, near which place she was born, being a descendant of the Hite family, who first settled that valley. The prosperity of early life gave place in her old age to poverty and the hardships of rearing a large family in a new country; but she acted her part well under all circumstances, and died with the respect and love of all who knew her. Now that the joys and sorrows of a long and eventful life are over, they sleep well. May they rest in peace. This monument is erected to their memory by their grandson, William H. English."

Of the seventeen children born to this pair, Mahala, the mother of our subject, first saw the light in Fayette county, Ky., and now resides with her distinguished son and only surviving child at Indianapolis, in the eighty-second year of her age, retaining in a remarkable degree her health and all her faculties.

As an element of character and one which all good persons recognize as essential to greatness, not one can be named so well calculated to inspire respect as the profound veneration of a son for his parents, and especially when its development draws the child even more to them as the weight of years increases. This trait of

character was peculiarly marked in Mr. English. His honors and his prosperity only vitalized his affections for his parents, and in his home he demonstrated the goodness of his heart, the warmth of his affections and the nobility of his character, and Indiana, in all of her happy homes, presents no more beautiful picture of a son's devotion than is to be found in Mr. English's, where his mother, now over four-score years of age, is enjoying all the fruitions that affection can bestow.

Her husband, Major Elisha G. English, who was one of the fourteen children referred to in the first inscription, died at his son's residence in Indianapolis, November 14, 1874, full of years and full of honors. He was, however, a citizen of Scott county, Indiana, at the time of his death, as he had been for over a half century, having immigrated to that county in 1818, from Kentucky, in which state he was born. As one of the pioneers of Indiana, he enjoyed in the highest degree the respect and confidence of the people, was several times sheriff of his county, for about twenty years a member of the Indiana House of Representatives or Senate, and for some time United States Marshal for Indiana.

#### BIRTH AND BOYHOOD.

Surrounded by scenes of hardy adventure and of reckless daring, so familiar to the pioneers of the West, William H. English was born August 27, 1822, at the village of Lexington, Scott county, Indiana, and he has literally grown with his native state, and strengthened with her strength, until he has become thoroughly identified with her interests and prosperity. Both are now in their full meridian, and he bears the reputation of being one among the most far-seeing and energetic business men of the country. This is the more strange when it is considered that he had previously reached great distinction in public life, having entered that field in his early career, but voluntarily retired from it.

The student of biography, especially the biographies of Americans who had been distinguished in war, politics, literature and science, has been impressed with the fact that those who in youth were subjected to the severest struggles, have often gained the proudest eminence in after life; and Indiana has furnished a long list of names demonstrating the truth of the proposition, and the early life of Mr. English conspicuously illustrates it. Born at a time when school-houses were few and far between, he mastered the rudiments at an early age, and took a position in public affairs when others more favorably situated were dallying in the problems he had solved. This youthful heroism furnishes the key to his future success—the indomitableness of the boy foreshadowing the man of affairs, who, learning the value of persistency in youth, would carry it into all the enterprises of manhood—an example worthy of profound study by other youth of the country.

#### EDUCATION AND ADMISSION TO THE BAR.

His education was such as could be acquired at the common schools of the neighborhood, and a course of three years' study at the South Hanover College. He studied law, and was admitted to practice in the circuit court at the early age of eighteen years. He was subsequently admitted to the Supreme Court of his state, and in the twenty-third year of his age, to the highest judicial tribunal in the country, the Supreme Court of the United States.

#### ENTRANCE INTO POLITICS.

At an early age Mr. English's inclinations turned to a political life. His youthful ambition to win success, and opportunities which then presented themselves, combined to urge him in this direction of effort. However, in the calm reflection of later years, and in the full realization of these aspirations, he laid down the



honors and emoluments of office to seek in the walks of business a more congenial vocation. He identified himself with the Democratic party, and took a prominent part in the political contest of his county, even before he arrived at his majority.

Several years before he was of age, he was chosen a delegate from Scott county to the Democratic State Convention at Indianapolis, which nominated General Tilghman A. Howard for governor. There was no railroad connection with the capital at that time, and the roads were in such a deplorable condition that it took him six days' horseback riding to make the round trip. He commenced making speeches in that campaign and continued in active politics for many years.

#### APPOINTED POSTMASTER.

Under the Tyler administration, Mr. English was appointed postmaster of Lexington, his native village, then the county seat of Scott county.

#### ELECTED PRINCIPAL CLERK OF INDIANA HOUSE OF REPRESENTATIVES.

In 1843 he was chosen principal clerk of the House of Representatives of his state, over several distinguished and worthy competitors.

James D. Williams, now the venerable and respected Governor of Indiana, was then, for the first time, a member of the House, and he has several times made public mention of the fact that Mr. English then performed the same duties, and most satisfactorily, too, with the aid of one assistant, that in these later years over a half dozen are paid to perform.

#### APPOINTED CLERK IN THE UNITED STATES TREASURY DEPARTMENT.

After the election of Mr. Polk to the Presidency, to which Mr. English largely contributed, as an active and efficient politician in his section of the country, he was tendered an appointment in the Treasury Department at Washington, which he accepted, and continued to discharge its duties during that administration. He was not the man to disguise his principles or make an effort to keep a place under an administration he had opposed. He voted for the nomination of Cass in the National Convention, and had strenuously opposed the election of General Taylor. He, therefore, on the day preceding the inauguration, sent to Mr. Polk a letter of resignation, which was extensively copied by the Democratic press, with comments approving the independent spirit of its author.

#### FAMILY ALWAYS DEMOCRATIC.

In the National Convention of 1848, his father, Elisha G. English, and his uncle, Revel W. English, were Vice-Presidents, and two other uncles delegates. It was in that convention he met the now celebrated Samuel J. Tilden, who was a delegate from the state of New York.

It will be observed that Mr. English is a Democrat, not only by the sober judgment of his mature manhood, but the traditions of his family, and it may be said that the commanding positions he has held, his large experience and his knowledge of men and measures, all combine to strengthen his convictions that the principles of the Democratic party must prevail if we are to have a united and prosperous country. His own idea of what these principles are will be best understood by the following vigorous and forcible words uttered by him in a late published interview:

"I am for honesty in money as in politics and morals, and think the great material and business interests of this country should be placed upon the most solid basis, and as far as possible from the blighting influence of demagogues. At the same time, I am opposed to class legislation, and in favor of protecting

and fostering the interests of the laboring and producing classes in every legitimate way possible. A pure, economical, constitutional government, that will protect the liberty of the people and the property of the people, without destroying the rights of the states or aggrandizing its own powers beyond the limits of the Constitution, is the kind of government contemplated by the fathers, and by that I think the Democracy propose to stand."

But Mr. English was not permitted to remain long out of public life. His abilities were universally recognized.

#### CLERK UNITED STATES SENATE COMMITTEE IN 1850.

He was a clerk of the Claims Committee in the United States Senate during the memorable session of the compromise of 1850, heard Calhoun and Cass, Clay and Webster, Benton, and other great statesmen of the age, in those able, forensic efforts, which obtained so much celebrity and led to the results so gratifying to every American patriot.

And the pure patriotism of such men, the grandeur of their eloquence—the far-reaching benefits of the measure proposed and advocated—left a fadeless impression on Mr. English's mind that inspired his ambition, broadened his views, and contributed largely in giving him influence when he became a member of the National Legislature. At the close of the session he resigned his position and returned to his home in Indiana.

#### ELECTED SECRETARY OF THE CONSTITUTIONAL CONVENTION.

The people of that state had just decided to call a convention to revise the state constitution adopted in 1816, and after an existence of over a third of a century the adoption of a new constitution, in accord with the spirit of the times, was approached with much caution. Every one felt the necessity of confiding the trust to the wisest and best men in the state, and it is doubtful whether a superior body of men ever assembled for a like purpose than that which assembled at Indianapolis in October, 1850, to prepare a constitution for the state of Indiana. Mr. English had the distinguished honor of being elected the principal Secretary of the convention and of officially attesting the constitution which was prepared by the convention after over four months' deliberation and ratified by an overwhelming vote of the people.

As Secretary of the convention, he added largely to his reputation, and the fact was recognized that his abilities were of a character to command a wider sphere of usefulness to the party and to the country.

#### ELECTED TO THE LEGISLATURE.

The adoption of the new constitution made a necessity for a thorough revision of the laws of the state, and the same high order of talent was needed to mold the laws as had been required to prepare the constitution itself. It was, therefore, a great honor to Mr. English, that in 1851, he was elected to represent his native county in the state legislature against an opposition majority, and over a competitor considered the strongest and most popular man of his party in the county. This was the first meeting of the legislature under the provisions of the new constitution, and judgment and discretion were required of the legislature to put the new state machinery into harmonious and successful operation. It was, therefore, no small compliment for so young a man as Mr. English to have been chosen over so many older and more experienced citizens.

#### ELECTED SPEAKER OF THE HOUSE.

But a still greater honor awaited him, for, notwithstanding he was then but



twenty-nine years of age, and it was his first session as a member, and, also, that there were many old, experienced and distinguished men in that legislature, Mr. English was elected Speaker by twenty-eight majority, and it may be mentioned as an evidence of his ability and popularity as a presiding officer that, during his long term of service (over three months), no appeal was taken from any of his decisions. This was the more remarkable as it was the first session under the new constitution, when many new points had to be decided.

Many radical and highly beneficial reforms in the laws of the state were made at this session, to the success of which Mr. English largely contributed, and in some instances originated, such as the change in the system of taxing railroads, and the substitution of the present short form of deeds, mortgages, etc., for the long intricate forms.

Mr. English has, in an eminent degree, that force and energy of character which leads to successful action, and has left his impress upon the measure of every deliberative body, company, or association to which he has belonged. In a word, he has all the elements of a bold, aggressive and successful leadership. If lost with a multitude in a pathless wilderness, he would not lag behind waiting for some one else to plan or open up the pathway of escape. He would be more apt to promptly advise which was the best way out, or make the road himself and call upon his comrades to follow.

#### ELECTED TO CONGRESS.

With the close of the long session of the Legislature of 1851, in which Mr. English had earned golden opinions from men of all parties, he was justly regarded as one of the foremost men of the state, and the Democrats of his district with great unanimity solicited him to become their standard-bearer in the race for Congress. He was nominated, and in October, 1852, was elected by 488 majority over his very worthy competitor, John D. Ferguson, now deceased, with whom he was always on terms of the warmest personal friendship.

Mr. English entered Congress at the commencement of Mr. Pierce's administration, and gave its political measures a warm and hearty support. It was a memorable period in the history of the country, a time when questions of far-reaching consequence had their birth, and which, a few years subsequently, tested to the utmost limit the strength of the Republic. It was the time for the display of unselfish patriotism, lofty purpose, moral courage and unwavering devotion to the Constitution. Mr. English met the demand. He was equal to the responsibility of the occasion. He never disappointed his constituents, his party or his country. He displayed his national qualities of prudence, sagacity and firmness.

#### KANSAS-NEBRASKA BILL.

It was at the opening of this Congress that the famous Kansas-Nebraska bill was introduced. Mr. English was a member of the House Committee on Territories, which was charged with the consideration and report of the bill. He did not concur with the majority of the committee in the propriety and expediency of bringing forward the measure at that time, and made a minority report on the 31st of January, 1854, proposing several important amendments, which, although not directly adopted, for reasons hereafter explained, probably led to modifications of the bill of the Senate, which bill was finally adopted as an amendment to the House bill, and enacted into a law. Both the House and Senate bill, at the time Mr. English made his minority report, contained a provision "that the Constitution and all laws of the United States which are not locally inapplicable,

shall have the same force and effect within the said territory as elsewhere in the United States ;" and then followed this important reservation :

" Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6th, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative."

Mr. English proposed to strike out this exception and insert the following :

" Provided, that nothing in this act shall be so construed as to prevent the people of said territory, through the properly constituted legislative authority, from passing such laws in relation to the institution of slavery, not inconsistent with the Constitution of the United States, as they may deem best adapted to their locality and most conducive to their happiness and welfare; and so much of any existing act of Congress as may conflict with the above right of the people to regulate their domestic institutions in their own way, be, and the same is hereby, repealed."

In the history of this subject, given in the first volume of Mr. Horace Greeley's " American Conflict," the opinion is expressed that this proposition of Mr. English could not have been defeated on the call of the yeas and nays, and the author goes on to explain and condemn the new and ingenious parliamentary maneuver resorted to at the time, which cut off all amendments, but the substitution of the Senate Bill for the Bill of the House. " Thus," says Mr. Greeley, " The opponents of the measure in the House were precluded from proposing any amendments or modifications whatever, when it is morally certain that had they been permitted to do so, some such amendments as Gov. Chase's or Mr. English's would have been carried." The parliamentary maneuver referred to brought the House to a vote on the Senate Bill, which, in the meantime, had been offered as a substitute for the House Bill, was adopted and became the law.

#### POPULAR SOVEREIGNTY.

Now, there is one point in the history of this important measure not very clearly developed in Mr. Greeley's account (in the main fair and accurate), which it will be well to refer to. It is true the Senate and House Bill were substantially the same on the 31st of January, when Mr. English offered his amendments; but before the 8th of May, when the House substituted the Senate Bill for its own, and passed it, material modifications had been made in the Senate Bill. It was the modified bill and not the bill of the 31st of January, that became the law. For example, on the 15th of February, two weeks after Mr. English submitted his amendments (the Senate and House Bills being up at that time in substantially the same shape), the Senate adopted an amendment which had been submitted by Senator Douglas on the 7th of February, striking out a portion of the same clause Mr. English had proposed to strike out, and substituting the following :

" Which being inconsistent with the principle of non-intervention by Congress with slavery in states and territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void ; it being the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

This amendment satisfied some of those members who at first regarded the measure with disfavor, and a comparison will show to what extent it embodied or harmonized with the amendment Mr. English had previously offered.



It is undoubtedly true, as the Congressional records will show, that Mr. English brought forward the "popular sovereignty" idea in the minority report made by him to the House of Representatives in January; that the same idea was submitted to the Senate in February and adopted by that body; that the House then adopted the amended Bill of the Senate as a substitute for the House Bill, and it thus became a law. Hence the debate and public attention was directed almost exclusively to the Senate Bill.

The objections made in Mr. English's minority report to the proposed boundaries of the territory were also obviated by amendments. No doubt, these modifications and a desire to act in harmony with the Democratic administration, influenced some of the Democratic members from the free states to support the bill, who, like Mr. English, thought its introduction unfortunate and ill-timed.

Senator Douglas was justly regarded as the great leader and champion of the "popular sovereignty" idea. So far as the advocacy of that principle was concerned, Mr. English was with him, and it will not be out of place to state here that although some slight political differences ultimately sprang up between them in relation to the "English Bill" hereafter mentioned, they were always personal friends, and for many years the relations between them were of the most intimate character. As far back as 1845, Mr. Douglas wrote President Polk urging that Mr. English be appointed Recorder of the General Land Office, and Mr. English has many letters from Mr. Douglas expressing the most cordial friendship.

#### SLAVERY AGITATION—POSITION ON SLAVERY QUESTION.

The controversy about the institution of slavery, which had been going on, with but little intermission, ever since the formation of the government, raged with greatly increased bitterness during the eight years immediately preceding the war. During all this period Mr. English was in Congress, and more or less identified with the measures involving the question of slavery. It is therefore, perhaps, proper to briefly define the position he occupied upon this great question of the age, as gleaned from his speeches and the Congressional history of the period. "I am," said he in one of his speeches, "a native of a free state and have no love for the institution of slavery. Aside from the moral question involved, I regard it as an injury to the state where it exists, and if it were proposed to introduce it where I reside, would resist it to the last extremity."

He believed in faithfully maintaining all the rights of the states as guaranteed by the Constitution, and that it would be wisest to refer the question of slavery to that best and safest of all tribunals—the people to be governed. "They are the best judges of the soil and climate and wants of the country they inhabit; they are the true judges of what will best suit their own condition and promote their welfare and happiness."

Speaking for himself and his constituents he said upon another occasion: "We do not like this institution of slavery, neither in its moral, social nor political bearings, but consider that it is a matter which, like all other domestic affairs, each organized community ought to be allowed to decide for itself."

The idea of "leaving the people of every state and territory perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States," seemed to be in accordance with the genius of our American institutions, but the storm raised by the passage of the Kansas-Nebraska Bill resulted in the defeat of nearly all the members from the free states who voted for it. In fact, Mr. English was one of the only three in the United States who commanded strength enough to survive the storm.

SECOND ELECTION TO CONGRESS—GREAT CANVASS AGAINST KNOW-NOTHINGISM  
AND "SEARCH, SEIZURE AND CONFISCATION."

He was unanimously nominated for re-election to Congress and elected, in October, 1854, by 588 majority—an increase of 100—over his Whig and Know-Nothing opponent, Judge Thomas C. Slaughter, now deceased, a bitter partisan, but a warm personal friend of Mr. English to the end of his life.

During Mr. English's Congressional career, the country, in addition to other causes of agitation, was visited with a fanatical cyclone known as Know-Nothingism, that for a time threatened to overwhelm and obliterate the traditions and laws of the country, and to create the most odious distinctions of citizenship based upon religion and nationality. Never did the war of prejudice and ignorance beat with greater force upon the most sacred guarantees of the Constitution; never was a public mind more thoroughly permeated with hostility toward men of foreign birth, nor was there ever a period in the history of the Republic when religious animosities assumed such a repulsive and defiant aspect. Foreign-born citizens were to be ostracised and men's freedom to worship God according to the dictates of their own consciences was to be restricted. The virus spread in every direction. It laid hold upon young and old—Know-Nothing lodges sprung up everywhere—hates engendered in every home, lurked in every hiding place, and found expression in every meeting of the mysterious order. To expose the evil designs of the order, to break its power and arrest its progress was no easy task. The work required courage of the highest order, and into it Mr. English threw himself in a spirit of self-abnegation, which commanded the applause of all right-thinking men. In Mr. English the foreign-born citizen had a friend, indeed. The force of his logic and the fearlessness of his denunciations battered down the sophisms, prejudices and the spirit of exclusiveness wherever they offered resistance—reason regained supremacy, and after a brief period Know-Nothingism disappeared to take its place in history, besides witchcraft and other monstrous delusions that have from time to time cursed the world. It was a Democratic victory to which no man in the nation contributed more than did William H. English in his gallant canvass against the Know-Nothings in the second Congressional district of Indiana in 1854.

It would be difficult for persons now to comprehend the great excitement in the country at this time, and particularly in Mr. English's district, separated from Louisville only by the Ohio river, at which place many foreigners had recently been killed by a mob, growing out of the Know-Nothing agitation. The same spirit existed on the Indiana side, but Mr. English, with that boldness which has ever characterized him, fought the doctrines of the Know-Nothing party, and the "search, seizure and confiscation temperance law" party upon every stump, and came out victorious; but *he was the only Democrat but one elected to Congress at that time from Indiana*. In consequence of this gallant fight, as well as from his broad, liberal and conservative views, Mr. English has always been popular with our foreign population.

He continued to support the policy of the administration of President Pierce during the Thirty-fourth Congress.

REGENT OF THE SMITHSONIAN INSTITUTION.

He was a Regent of the Smithsonian institution for eight years, and, during this Congress, made a speech in defense of the management of the institution which was highly commended by Prof. Henry, Charles Henry Davis and other eminent scientific gentlemen. Mr. Davis went so far as to write a letter, in which



he said Mr. English was entitled to "the gratitude and friendly regard of every scientific man in the country whose opinions are thought worth repeating.

In this speech Mr. English evinced higher qualities of statesmanship than are developed in caucus and the usual combats of partisans—a statesmanship that enters within the domain of science and art, and that seeks through the agencies which enlightened governments can command to elevate and reform the people, and to place within their reach facilities for the highest culture.

#### THIRD ELECTION TO CONGRESS.

At the end of Mr. English's second term he avowed his intention of not being a candidate for Congress again, and requested his constituents to select some other person. The convention which met to nominate his successor, however, after balloting forty-two times without making a choice, finally determined, unanimously, to insist upon Mr. English taking the field for the third time, which he reluctantly consented to do, and was elected by a larger majority than ever before, in October, 1856.

#### ADMISSION OF KANSAS.

In the course of a speech delivered in the House of Representatives on the admission of Kansas, Mr. English said :

"I think before Kansas is admitted, her people ought to ratify, or at least, have a fair opportunity to vote upon the constitution under which it is proposed to admit her ; at the same time, I am not so wedded to any particular plan that I may not, for the sake of harmony and as a choice of evils, make reasonable concessions, provided the substance would be secured, which is the making of the constitution, at an early day, conform to the public will, or, at least, that the privilege and opportunity of so making it be secured to the people beyond all question. Less than this would not satisfy the expectations of my constituents, and I would not betray their wishes for any earthly considerations."

When the whole country had about abandoned the hope of a settlement of the disagreement between the two houses, and the angry contest was likely to be adjourned for further and protracted agitation before the people, already inflamed with sectional animosities, Mr. English took the responsibility of moving to concur in the proposition of the Senate asking for a committee of free conference. The excitement upon the occasion had scarcely ever been equaled in the House of Representatives. Upon adopting this motion the vote was a tie (108 to 108) ; but the Speaker voted in the affirmative, and the motion prevailed. The committee on the part of the House was composed of W. H. English, of Indiana ; A. H. Stephens, of Georgia, and W. A. Howard, of Michigan. On the part of the Senate, J. S. Greene, of Missouri ; R. M. T. Hunter, of Virginia, and W. H. Seward, of New York.

This is the history of the origin of the great Kansas compromise measure, commonly called the "English bill," which finally passed both branches of Congress and became the law.

This law was, in effect, to place it in the power of the people of Kansas to come into the Union under the Lecompton Constitution, or not, as they might themselves determine at a fair election. It was not a submission as direct as Mr. English himself preferred, as hereinafter explained, but was the best he could get under the complications then existing, and was a substantial vindication of the doctrine of "popular sovereignty" advocated in his minority report on the Kansas-Nebraska Bill in the Thirty-third Congress.

It is impossible for persons now to realize the agitation and excitement in the

country at that time over the "English bill." Its passage was hailed with firing of cannons, illuminations and public rejoicing in many places.

#### CONGRATULATIONS AND REJOICINGS.

The President of the United States, Mr. Buchanan, was highly gratified, and wrote Mr. English a letter of congratulation (which Mr. English has preserved), in which he said:

"I consider the present occasion the most fortunate of your life. It will be your fate to end the dangerous agitation, to confer lasting benefits on your country, and to render your character historical. I shall remain always your friend."

On the night after the passage of the bill there was a great mass meeting in Washington city which serenaded Mr. English.

In the course of his remarks he said:

"Let us all stand together in this great confederacy as equals, each state having the right to regulate its own domestic institutions in its own way; and let us apply this doctrine not only to Kansas, but to all the territories that may come into this Union for all time to come. This is the doctrine of the Democratic party, and when that party is struck down, the best interests of the country will be struck down. Stop this agitation and let us act, not like visionary fanatics, but practical men. Let well enough alone and leave the solution of this matter to time and Providence. If we can not stand upon the doctrine of non-intervention, where can we stand in safety?"

"I know that it is the feeling of the people of Indiana that the interests and rights of the South should never be trodden under foot. We do not intend to surrender any of our rights, and we do not believe that the people of the South desire to trespass upon our rights; if they did, we should rise up as one man to resist it, and we would resist it to the last. While we shall be careful to protect our own rights, we shall be equally careful not to trespass upon the rights of our brethren in other states. Upon such broad national grounds as this we can all stand; and if we do, this confederacy will continue increasing in prosperity and glory. We must discard all these sectional ideas. We must cultivate a greater feeling of respect and sympathy for each other, and for those of different sections; and I trust and hope this is the dawn of a new era. I trust and hope we shall hear no more of these sectional agitations. Every good man and lover of his country ought to set his face against them. I speak the sentiment of the entire Democracy of my state when I say that we will do battle faithfully to protect the rights of the people of every portion of the confederacy, and that we shall stand by the Constitution and the Union to the last."

#### MR. ENGLISH EXPLAINS THE "ENGLISH BILL."

Mr. English claimed that the "English bill" was entirely as he wished it. In a short speech made long after its passage, he said:

"It was not to be expected that a bill upon a subject of so much magnitude, preceded by such intense excitement, long and heated debates, close votes, and conflicts between co-ordinate branches of the government, could be enacted into a law in a manner satisfactory to all, or without violent opposition. Nothing in man's nature, or the history of the past, warranted such expectation. Thirty millions of excited people are not easily quieted, and a question which could agitate a whole nation was not likely to be removed without a struggle and some sacrifice of opinion.

"Perfection in every respect was not claimed for the Conference Bill. Its friends set up no unreasonable or extravagant pretensions in its behalf, and they



now have the proud satisfaction of knowing that it has realized all they ever claimed for it. It was enough that it contained the substance, and was the very best that could be secured at the time and under the circumstances which then existed.

"In that spirit it was agreed to in committee; in that spirit enacted into a law. It sprang from the necessity of the case, and was supported in the hope of reconciliation and peace. If those who gave it their support erred, it was in yielding too much in the praiseworthy effort of removing a dangerous question from the national councils and restoring harmony to a highly-excited people."

Under this law the question of admission under the Lecompton constitution was, in effect, referred back to the people of Kansas, and they voted against it, just as Mr. English and almost every one else expected they would do. Even so bitter a partisan as Mr. Greeley then was, admitted in his history that the vote cast on the proposition submitted by the English bill "was, in fact, to reject the Lecompton constitution."

Thus the result was accomplished which Mr. English had contended for from the beginning, and there is no inconsistency in his record upon this subject. On the final vote which admitted Kansas as a state, he was still a member, and voted for her admission.

#### FOURTH ELECTION TO CONGRESS.

The popular current in the North was still strongly against the Democratic administration, and the "English bill" entered into the ensuing political campaign, and came in for the usual amount of misrepresentation and abuse.

Mr. English had again been brought forward for re-election, and the contest in his district assumed a national importance. His political opponents made extraordinary efforts to defeat him, and there was at one time some dissatisfaction with a portion of his political friends, who thought he ought to have voted for the admission of Kansas under the Lecompton constitution.

After the passage of the English bill, the President offered to confer the highest political honors upon Mr. English, but he declined receiving any executive appointment. The same offer of executive favors occurred under the administration of President Johnson, with whom Mr. English had been on terms of the most intimate friendship ever since the winter and spring of 1844-45, at which time they boarded at the same house, and Mr. Johnson, then a member of Congress from Tennessee, aided in procuring an office for Mr. English under President Polk.

#### CONGRESSIONAL REMINISCENCES.

Mr. English entered Congress with Thomas A. Hendricks, Elihu B. Washburn and John C. Breckinridge, and, at subsequent sessions, John Sherman, W. S. Groesbeck and George H. Pendleton, of Ohio; Roscoe Conkling, of New York, and Schuyler Colfax, of Indiana, became members, so that it may be said of Mr. English's colleagues that two of them became Vice-Presidents of the United States, and six have been prominently mentioned for the high office of President.

It is a sad commentary upon the short duration of human life, and the transitory nature of all earthly honors, that of the two Senators and eleven members of the House, constituting the Indiana delegation in the Thirty-third Congress, which ended in 1854, all are now dead but Thomas A. Hendricks and William H. English.

At the beginning of the Thirty-sixth Congress, John Sherman, now Mr. Hayes' Secretary of the Treasury, was nominated by the Republicans for Speaker; but after two months of great excitement, and a multitude of ballots, in which

various persons were voted for, Gov. Pennington, of New Jersey, was finally elected.

In the course of this struggle Mr. English made a speech, from which we make a short extract, as it refers pointedly to his previous political history. He said :

“Those who are acquainted with my personal and political history know that I have never belonged to or sympathized with any other than the Democratic party. I have stood with that party against all the political organizations that have from time to time been arrayed against it. When the old Whig party existed, I opposed it upon those issues which have become obsolete and are no longer before the country. Upon the great question of slavery, which is the vital question of this day, I stand where the Democracy stood, and the Whig party stood, as long as the Whig party had an existence.

“Upon the advent of the Know-Nothing or American party, I opposed it persistently, and particularly the peculiar doctrines of that party in relation to naturalization and religion. My views upon these subjects have undergone no change. I am for our naturalization laws as they stand, and for the entire freedom of religious belief, and would resist to the last any infringement upon the one or the other.”

#### EXCELSIOR.

The election of 1858 resulted in the return of Mr. English to Congress by a larger majority than ever. There had been no change in the boundaries of his district, but his career in this, as in everything else, had been upward and onward, *his majority gradually increasing at each election from 498 in 1852 to 1,812 in 1858, and this at a time when Democratic Congressmen were almost swept out of existence in the Northern States.*

#### THE SHADOW OF THE GREAT CIVIL WAR.

In the meantime the split in his political party continued to widen, and the shadows of the great civil war began to be visible to his keen and experienced vision.

Mr. English was then a member of the National Campaign Committee.

The approaching Democratic National Convention at Charleston, South Carolina, was a great event, pregnant with mighty consequences both to that party and to the country. Mr. English was not a delegate, but he went to Charleston to do what he could as a peacemaker, to prevent, if possible, the division of the Democratic party. If the judgment of such prudent and practical men as Mr. English had been followed, there would have been but one Democratic Presidential ticket, and such a conservative Democratic platform as probably would have commanded success. And if it had been successful, how different might have been the history of this country! But those who labored for harmony labored in vain, and Mr. English returned to Washington before the convention adjourned greatly discouraged at heart, but still hoping all would end well.

#### AGAINST SECESSION.

Then came the movement in the South in favor of dissolution. Mr. English was for pacification, if possible, and favored every measure tending to that result. On the subject of secession he was as firm and bold in opposing the views of his former political associates from the South as he had been in opposing the admission of Kansas as a state under the Lecompton constitution. He denounced it from the beginning, and made every effort to induce Southern members to abandon it. In a speech in the House of Representatives, he plainly told the South that “the great Democratic party, that has so long and so justly boasted of



its nationality, must not degenerate into a mere sectional party, or a party that tolerates the sentiment of disunion; if it does, its days are numbered and its mission ended."

Alluding to the folly of the South, threatening to break up the Union because of the election of a sectional man to the President's chair, he told them that a corporal's guard of Northern men would not go with them out of the Union for such a cause, and that his constituents would only "march under the flag and keep step to the music of the Union." Addressing the Southern members, he said:

"Looking at this matter from the particular standpoint you occupy, it is to be feared you have not always properly appreciated the position of the Free-State Democracy, or the perils which would environ them in the event of a resort to the extreme measures to which I refer. Would you expect us in such an event to go with you out of the Union? If so, let me tell you frankly, your expectations will never be realized. Collectively, as states, it would be impossible, and as individuals, inadmissible; because it would involve innumerable sacrifices, and a severance of those sacred ties which bind every man to his own immediate country, and which, as patriots, we never would surrender."

But his appeals were in vain. The crisis of the great American conflict was at hand. It was now inevitable that the angry controversy would be transferred from the halls of Congress to be decided by a bloody and relentless war; an event he had hoped would never come, and zealously labored to avert.

#### RETIREES FROM CONGRESS WITH THE PLAUDITS OF HIS CONSTITUENTS.

He now determined at all hazards to retire from Congress and active political life, having served continuously through four terms. That he retired with the full and unqualified indorsement of his constituents, is shown by the fact that the convention which nominated his successor adopted unanimously the following resolution:

"*Resolved*, That in selecting a candidate to represent this district in the Thirty-seventh Congress, we deem it a proper occasion to express the respect and esteem we entertain for our present member, Hon. W. H. English, and our confidence in him as a public officer. In his retirement, in accordance with his well-known wishes, from the position of representative, which he has so long filled with credit to himself and benefit to the country, we heartily greet him with the plaudit, 'Well done, thou good and faithful servant.'"

Thus did he retire from active participation in political affairs, as an officeholder, without ever having sustained a defeat before the people, in the full meridian of success and with strong prospect of being advanced (had he made the effort) to still higher political honors.

#### SPEAKS FOR THE UNION.

Mr. English was a firm and consistent supporter of the Union cause.

The following account of a speech made by him about the time of the commencement of the war is taken from the *Madison Courier*, a paper not of Mr. English's politics:

"Mr. English spoke for over an hour. He said that he was opposed to the Republican doctrines, and should boldly assail Mr. Lincoln's policy whenever he thought it wrong, but as a native of Indiana, thoroughly identified with free state interests, he felt that his allegiance was exclusively due to the state of Indiana and government of the United States, and he should accordingly abide in good faith by their laws, and stand under the old time-honored flag.

"He trusted that the bitter cup of civil war might be passed from our lips, and he would exhaust every possible means of maintaining the peace; but if nothing will do but war, then we must all stand or fall together."

#### TRYING PERIOD OF HIS LIFE.

This was an eventful and trying period in his life. He had abandoned the field of politics and declined employment as an officer in the army. He had grown rusty in the law. After many years of intense activity, and at his age, he could not be satisfied to sit down in his little native village and do nothing. He tried it, but before the end of a year worried himself on account of his inactivity into a long spell of sickness, and gave up the "retired and quiet life" idea in despair.

#### MR. ENGLISH AS A BANKER.

He always had an aptitude for finance, and was encouraged to go into banking by his friends Hugh McCullough (then about entering upon the duties of Controller of the Currency) and the great bankers, J. F. D. Lanier, of New York, and George W. Riggs, of Washington City. The two latter became stockholders with him in the First National Bank of Indianapolis, which was founded by Mr. English in the spring of 1863. Of course, this required Mr. English to move to Indianapolis, where he has since resided. This bank was among the first organized in the United States under the national system, and the very first to get out its circulation.

In this, as in all other undertakings, Mr. English steadily persevered until he achieved a splendid success. He was soon recognized as a first-class business man, and gradually grew in favor with his colleagues and the public until he was the president of the Indianapolis Clearing-house Association and president of the Indiana Banking Association—the recognized head of the profession in his city and state.

The bank of which he was so long president commenced with a capital of \$150,000, but he had the sagacity to secure as stockholders such men as J. F. D. Lanier, George W. Riggs, Gov. O. P. Morton, Gov. T. A. Hendricks, Hon. Franklin Landers and Hon. J. A. Cravens, and other gentlemen of the very highest financial and political standing, and under his admirable management very large dividends were paid to stockholders, and the capital increased to a million dollars, with several hundred thousand dollars surplus. For over fourteen years Mr. English presided over the bank with remarkable ability and unquestioned fidelity, until it was recognized as the first financial institution in the state, and among the first in the United States.

#### RESIGNS THE PRESIDENCY OF THE BANK AND RETIRES FROM ACTIVE BUSINESS.

In the meantime, Mr. English had acquired the controlling interest in the various street-railway lines of the city, and was largely interested in real estate and other business enterprises, which so severely taxed his energies that his health became somewhat impaired, and as his wife had long been in such feeble health as to make removal for a time to a warmer climate desirable, he determined to retire from active business. Accordingly, on the 25th of July, 1877, he resigned the presidency of the bank.

The stockholders and directors accepted this resignation with deep regret, and in doing so, unanimously adopted the following resolution:

*Resolved*, That the directors and stockholders of this bank sincerely regret the causes which impel the resignation of the Hon. Wm. H. English, so long president of this institution, and that in accepting the same they desire to express



their thanks to him for the very great financial ability, constant watchfulness and perfect fidelity with which he has managed it from its organization to the present time.

*Resolved*, That the Executive Committee of the Board be directed to have prepared and present to him a suitable testimonial as a memento of our personal regard and esteem, and that he carry with him our most sincere wishes for a long life of usefulness and happiness."

Soon after retiring from the bank Mr. English sold out all his stock in the street railway and other companies, and now does not own a dollar of stock in any corporation whatever—which is very remarkable for a man of his large wealth.

#### POSITION ON FINANCIAL QUESTIONS.

The clear-headed comprehension of the situation during the great financial panic of 1873, and his cool and judicious management upon that trying occasion, did very much to prevent disaster to the Indianapolis banks, and to elevate him in public estimation as a good leader in great emergencies. One of the leading newspapers (*The People*), referring to this, said: "His conduct throughout the panic proved that his heart was in the right place—that the best interests of the city were in his thoughts—that he had the nerve and the will to sink self and proffer aid to those needing it."

Mr. English has always been the bold and fearless advocate of honest money and sound and conservative financial principles. Upon this important question his record is faultless, and so uniformly consistent that his position is never questioned. In a late interview he said: "For myself, I want our money to rank with the same standard recognized by all the great commercial nations of the world. I want no depreciated or unredeemable paper forced upon our people. I want the laboring man when pay-day comes to be paid in real dollars that will purchase just as much of the necessities of life as the dollars paid to the bondholders or officeholders, and with as great purchasing power as the best money in the best markets of the world. Honesty, in my judgment, is the best policy in finance and politics, as well as in morals generally, and if politicians would take half as much trouble to instruct and enlighten the masses that they do to take advantage of their supposed prejudices it would be far better."

Of this bold and patriotic declaration of Mr. English the *Boston Post* no doubt echoed the general sentiment when it said: "If we could have the ear of every Democrat in the country we should be glad to know if anything better than this has been uttered, and who can honestly dissent from it?"

On the evening of October 25, 1873, a large meeting of the members of the Board of Trade and business men of Indianapolis took place, which the papers of the next morning designated as "the most noted assemblage of the sort held in the city for years." There was much excitement, and strong and general feeling that a further inflation of the currency was the best remedy for existing and threatened financial evils. Almost solitary and alone Mr. English combatted the correctness of this position, and in a forcible speech did much to change the current of thought upon the subject.

#### NO OFFICE-SEEKER, BUT HIS INTEREST IN POLITICS CONTINUES.

It should not be understood that because Mr. English retired from Congress in 1860, and declined longer to hold office, that he ceased to take an interest in public affairs. He was a delegate to the state convention in 1861, and in 1862 he was again spoken of for Congress, but declined the use of his name in a published

letter, in which he advised his old Democratic constituents to keep up their organization and stand by the Constitution and the Union. He said :

"It is perhaps superfluous for me to add that, as a private citizen, neither seeking nor desiring office, I shall exert whatever influence I possess to maintain the Constitution and the Union, and speedily suppress the rebellion. We must not allow ourselves to be driven from correct principles by any amount of misrepresentation or even persecution.

"I would say, let us stand together under the old flag and in the old organization, fighting secessionism to the bitter end, assailing the administration wherever we conscientiously believe it to be in error, but upholding the Constitution and laws, and never losing sight of that great historical fact, which can never be overcome by misrepresentation and abuse, and that is, that under the rule of the Democracy the country grew to be one of the greatest nations of the earth, and as long as they had power the people of the states were prosperous and happy."

#### MICHAEL C. KERR AND RESOLUTIONS IN FAVOR OF MCCLELLAN AND THE UNION.

In 1864 he was a delegate to the congressional convention which nominated that sterling patriot, Michael C. Kerr, to Congress, and who died while Speaker of the House. Mr. Kerr and Mr. English were life-long friends, and Mr. Kerr said often that he owed his seat in Congress to Mr. English.

Mr. English was an advocate of Gen. McClellan for President, and introduced the resolution in the convention of the Second Congressional district declaring for McClellan as first choice. Also a resolution declaring, "that we are now, as we ever have been, unqualifiedly in favor of the union of the States, under the Constitution, and stand ready, as we have ever stood heretofore, to do everything that loyal and true citizens should do to maintain that Union under the Constitution, and to hand it down to our children unimpaired as we received it from our fathers."

#### BUSINESS INCREASES—SEYMOUR AND TILDEN.

Mr. English's business continued to increase until it reached such immense proportions that it absorbed all his time, and he could give but little attention to political affairs ; but he was a firm friend and supporter of Gov. Seymour and Gov. Tilden, and presided at the meeting held at the capital of the state, ratifying the nomination of Tilden and Hendricks. Upon that occasion he said :

' It is known to you, fellow-citizens, that I have not of late years been an active participant in political affairs. Preferring the quiet pursuits of private life and intending not to be drawn into the turmoils of active politics, I nevertheless am not an indifferent spectator in this contest, and certainly do not forget the past. I do not forget that I was born a Democrat ; was long an earnest, hard-working member of the party, always a firm believer in its great cardinal principles, and frequently a recipient of its favor at a time when such favors were to me of inestimable value. With such antecedents, and a heart which I know is not incapable of gratitude, I could not be indifferent to the fate of this grand old party, and although in bad health and shrinking from appearing as a participant in a public political meeting, I could not forego the pressing call that was made upon me to preside upon this occasion, because I sincerely believe that the time has arrived when the welfare of the people demands thorough reform in the affairs of the general government, and that such reform can now only be certainly and effectively secured by the election of Tilden and Hendricks."

#### RESIDENCE, MARRIAGE AND CHILDREN.

Mr. English has a residence in Indianapolis, fronting upon a beautiful circular park known as the "Governor's Circle," so called because originally designed as the site for the residence of the governor of the state.



He was married to Miss Emma Mardulia Jackson, of Virginia, on the 17th day of November, 1847, in the city of Baltimore, Md., the Rev. Henry Slicer, chaplain of the United States Senate, performing the ceremony, and no union could have been more felicitous and happy than this was during its long continuance. This estimable lady died at Indianapolis, November 14, 1876, universally loved and respected by all who knew her.

Two children were the issue of this marriage, a son and a daughter. The son is the Hon. W. E. English, a young man of fine promise, now a member of the Indiana House of Representatives, being the third of the family in lineal descent who has occupied that position—father, son and grandson. The daughter, Rosalind, is the wife of Dr. Willoughby Walling, an eminent physician of Louisville, Ky., and is the mother of two fine boy babies, William English Walling and Willoughby George Walling.

#### AFTER RETIRING FROM ACTIVE BUSINESS IN 1877.

The foregoing incidents of an exceptionally active and successful life bring its history down to the year 1877, when Mr. English, crowned with success in every undertaking, with a political and business record without a blemish, and at the very meridian of his powers, sought the retirement of private life to enjoy in quiet society the well-earned trophies of former years. But in this retirement Mr. English was not unmindful of his country nor neglectful of the interests of the Democratic party, whose principles he had espoused in his youth, and whose standard-bearer he had been in many a hotly-contested conflict. Always a close observer of passing events, he continued to manifest his deep solicitude for the success of the Democratic party, and with his ripe experience was ever ready to aid it by his counsel.

#### STANDING BEFORE THE PUBLIC.

His splendid triumph in every enterprise with which he had been identified for a quarter of a century made his name a synonym of success. His services in the Indiana legislature, the national fame he had acquired in Congress and the superior abilities he had displayed as a financier, and his fidelity to every trust, all combined to give him a prominence which was continually attracting the attention, not only of his fellow-citizens of his native state, but of the most distinguished men of the country; and to these circumstances alone must be credited his present enviable position before the American people and the unsolicited association of his name with high official trusts. It should be understood that Mr. English seeks retirement. He has voluntarily surrendered advanced positions in public life for the enjoyments to be garnered only in the walls of a private citizen. The distinction and emoluments of the office had lost their attractions, and having earned honor and wealth, he was willing to surrender his place in the shining pathway of fame to others, content to see them crowned, as he had been, with the approbation of their countrymen. But Mr. English could not control the logic of circumstances. As a result, and independent of his volition, there is, at this time, what seems to be a very general wish to call him from retirement and prominently identify him with passing political events.

#### SOME TRAITS OF CHARACTER.

Mr. English is logical rather than ornate. His mind is a crucible in which error is eliminated from truth, and the tests of his analysis being satisfactory, he is proof against sophisms or the blandishments of flattery. With a mind trained from early manhood in a school of logic which dignified facts, the brilliancy of fiction never beguiles him from the luminous pathway mapped out by reason; and

hence, as a result, his public and private life is singularly free from the mistakes that have embarrassed other public men, and his past good fortune in this regard points to him with special distinctness as eminently qualified for public trusts, no matter what the gravity of their responsibilities may be. At school, a student of law, an attorney, principal clerk of the Indiana legislature, secretary of the constitutional convention, member of the legislature and Speaker of the House, member of Congress, banker and private citizen, at all times clear, concise and self-poised, William H. English has demonstrated, as few men have done, capacities of the first order, and which command universal respect. In such a life, so varied in its responsibilities, developing always and continually in the same direction, of pure character, high resolves and noble ambitions, there must be of necessity certain forces and factors of integrity of purpose, and of fidelity to the public welfare, as are certain to attract public attention and demand an enlargement of their domain and usefulness.

#### AS A FINANCIER AND STATESMAN.

It touches every interest and commands universal consideration. Where is the man whose views will best harmonize the East and the West, the North and the South, upon this question? This much may be said of Mr. English, that his financial experience, his comprehension of financial theories and results, his pronounced conservatism, and his acknowledged ability as a financier, designate him as the peer of the most advanced student of finance in all of its varied applications to the demands of the country. To the South always just; to the North an inflexible friend, comprehending the wants and interests of the East, with an extended knowledge of the West and its expanding and enfolding growth and resources—Mr. English includes in his thought and experience all the essentials of an administration of affairs in which the harmonies of interests and the logic of development are most admirably blended. The logic of events points to him as a distinguished native Indianian, who, should circumstances create an inevitable necessity, would exhibit to the country those exalted traits of character which in these times are sought for with profound solicitude.

#### AS A MAN OF ACTION AND BUSINESS.

Mr. English is a man of action rather than of words. His efforts as a debator are more remarkable for practical common sense than for brilliancy of oratory or the flowers of rhetoric; his mind, strictly practical in all its scope and bearings, is eminently utilitarian. Energy of character, firmness of purpose and an unswerving integrity are his chief characteristics. In personal intercourse he is inclined to be retiring and reserved, which might be attributed to haughtiness or pride by a stranger, but to an acquaintance or friend he is open, candid and affable. In the private and social relations of life he stands "without blemish and above reproach."

As a business man he has most valuable qualities. Without being too cautious, he is prudent and conservative. He looks searchingly and comprehensively into the nature and probable results of all schemes, and when he once puts his shoulder to the wheel it is with a strength that carries all before it. He is not demonstrative in anything that he does, but there is a quiet, determined and unceasing application of his whole resources of mind and energy to the end in view.



# THE RECORD

OF

## JAMES A. GARFIELD.

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The Credit Mobilier Fraud. The District of Columbia Ring and the De Golyer Bribe. The Sanborn Frauds. The Back Pay Grab and the Salary Steal. The Indian Ring—Garfield's Services in its Behalf. Encouraging and Defending Petit Larceny. Garfield the Champion of O. O. Howard. The Black Friday Scandal—Garfield's Effort to Suppress the Truth. Garfield the Friend of Robeson. Garfield Champions Geo. F. Seward. The Electoral Commission. Three Monstrous Grievances. The Pacific Steal. The Moth Swindle. Garfield and the Laboring Men. Some of Garfield's Votes. Garfield and General Shields. Garfield against Free Salt. The Judgment of his Republican Constituents. Garfield and the National Bouquet Shop. Garfield against the Shipbuilders of New England. Garfield and Chinese Immigration. Garfield's Insult to the Mexican Veterans. Garfield and Profligate Expenditures. Garfield on taxing Printing Paper. Garfield against the Distillers of his Own State.

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*A PYRAMID OF CORRUPTION! A MONUMENT OF FRAUD!*





## THE RECORD OF JAMES A. GARFIELD.

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James A. Garfield entered the Union Army in 1861, as Colonel of the Forty-second Ohio Volunteers. He was promoted to the rank of brigadier-general, January 10, 1862, and was brevetted a major-general, September 20, 1863, after he had been elected a member of the Thirty-eighth Congress from the 19th District of Ohio. He was sworn in on the 7th of December, 1863. His active Congressional life began at that time with the first session of the Thirty-eighth Congress. He has served continuously since, and his ninth term will expire March 4, 1881. General Garfield has more than average ability. Like many other of our public men he has risen from the humblest walks of life, but more than one-half of his life has been spent in the public service. His opportunities for improvement have been exceptionally good. He is an industrious and methodical student. After completing his collegiate course he became a minister of the gospel, and the early years of his manhood were devoted to that high and honorable calling. Earnest conviction, decision of character and stern morality are the characteristics which we would naturally expect to see illustrated by his public career. Has this been the case? Let his record answer. He began his Congressional career at an era when profligacy and corruption were rampant in the public service. At the very outset he had the opportunity to enroll himself as an honest and fearless champion of public economy in his own party. The Act of 1864, known as the amendment to the Charter of the Pacific Railroad, was passed by the Thirty eighth Congress. It was opposed at every step of its progress in the House of Representatives by Mr. Elihu B. Washburne, of Illinois. Its true character was demonstrated by him. The record shows that General Garfield supported the iniquitous measure. At a later period when these monster corporations demanded additional legislation, General Garfield, with a full knowledge of the flagrant corruption by which they had succeeded in and out of Congress, was always their zealous and influential champion.

### HE DOES NOT DESERVE WELL OF HIS COUNTRY?

Always serving on the important committees, no man in public life, during the last quarter of a century, has had better opportunities to serve the cause of good government than General Garfield. No one has more signally failed. Can any one point to a single instance during his eighteen years service in Congress where he has appeared as the champion of retrenchment and reform? We assert that he has been the supporter of every job, the defender of every steal, which by hook or by crook got through Congress from 1863 to 1875, and challenge his defenders to prove the contrary by his record!

The inconsistencies of General Garfield's public life show that he is utterly without conviction. He is one of the few Americans who was enrolled as a member of the Cobden Free Trade Club, of London, England. In private life he has been the friend and associate of David A. Wells, Horace White and other distinguished free traders. As a political economist he has never hesitated to say

that he believed in revenue reform, and yet, in his letter of acceptance of July 12, 1880, he says :

"In reference to our customs laws a policy should be pursued which will bring revenues to the Treasury, and will enable the labor and capital employed in our great industries to compete fairly in our own markets with the labor and capital of foreign producers. We legislate for the people of the United States, not for the whole world."

"A CIVIL SERVICE REFORMER IN 1877."

General Garfield has again and again declared that he was in favor of civil service reform. Upon more than one occasion he has posed in Congress, and out of it, as a civil service reformer. In an article published in the *Atlantic Monthly* for July, 1877, entitled, "*A Century of Congress*," he discussed the question of appointment to office as follows :

To sum up in a word: the present system invades the independence of the executive, and makes him less responsible for the character of his appointments; it impairs the efficiency of the legislator by diverting him from his proper sphere of duty, and involving him in the intrigues of aspirants for office; it degrades the civil service itself by destroying the personal independence of those who are appointed; it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration; and, finally, it debauches the public mind by holding up public office as the reward of mere party zeal. To reform this service is one of the highest and most imperative duties of statesmanship. This reform cannot be accomplished without a complete divorce between Congress and the executive in the matter of appointments. It will be a proud day when an administration Senator or Representative, who is in good standing in his party, can say as Thomas Hughes said, during his recent visit to this country, that though he was on the most intimate terms with the members of his own administration, yet it was not in his power to secure the removal of the humblest clerk in the civil service of his government. (See page 61, vol. xl., *Atlantic Monthly*.)

A MACHINE POLITICIAN IN 1880.

In his letter of acceptance Gen. Garfield goes square back on himself and all the pretensions of his party in regard to civil service reform, as follows:

To select wisely from our vast population those who are best fitted for the many offices to be filled requires an acquaintance far beyond the range of any one man. The executive should, therefore, seek and receive the information and assistance of those whose knowledge of the communities in which the duties are to be performed best qualifies them to aid in making the wisest choice.

The Record of Gen. Garfield is voluminous. To properly present it for the candid judgment of the people of the United States involves the history of all the principal scandals which have vexed the public mind for many years, and brought our character and institutions into reproach the world over. This disgraceful record would have rendered Gen. Garfield's nomination, even by the Republican party, for the Presidency impossible, had such a misfortune been supposed possible. His nomination was an accident. Every argument used by so-called reform Republicans against Blaine, applies with even more force to Garfield.

We have arranged his record in the following order :

- I. The Credit Mobilier Fraud.
- II. The District of Columbia Ring and the De Golyer Bribe.
- III. The Sanborn Frauds.
- IV. The Back Pay Grab and the Salary Steal.
- V. The Indian Ring—Garfield's Services in its Behalf.
- VI. Encouraging and Defending Petit Larceny.
- VII. Garfield the Champion of O. O. Howard.
- VIII. The Black Friday Scandal—Garfield's Effort to Suppress the Truth.
- IX. Garfield the Friend of Robeson.
- X. Garfield Champions Geo. F. Seward.
- XI. The Electoral Commission.
- XII. Three Monstrous Grievances.
- XIII. The Pacific Mail Steal.
- XIV. The Moth Swindle.
- XV. Garfield and the Laboring Men.
- XVI. Some of Garfield's Votes.
- XVII. Garfield and Gen. Shields.
- XVIII. Garfield against Free Salt.
- XIX. The Judgment of his Republican Constituents.



## THE CREDIT MOBILIER FRAUD.

In our exposition of General Garfield's connection with the Credit Mobilier, the monster fraud of the nineteenth century, we desire to do him no injustice. The following is his defence in his own language, furnished by him for a campaign biography, written by Colonel Russell H. Conwell, of Massachusetts :

In reference to myself, the following points are clearly established by the evidence :

1. That I neither purchased nor agreed to purchase the Credit Mobilier stock which Mr. Ames offered to sell me, nor did I receive any dividend arising from it. This appears from my own testimony, and from the first testimony given by Mr. Ames, which is not overthrown by his subsequent statements ; and it is strongly confirmed by the fact that, in the case of each of those who did purchase the stock there was produced as evidence of the sale either a certificate of stock, receipt of payment, a check drawn on the name of payee, or entries in Mr. Ames' diary of a stock account marked, adjusted and closed, but that no one of these evidences exist in reference to me. This position is further confirmed by the subsequent testimony of Mr. Ames, who, although he claims that I did receive \$329 from him on account of the stock, yet repeatedly testifies that, beyond that amount, I never received or demanded any dividend ; that he did not offer me any, nor was the subject alluded to in conversation between us.

Mr. Ames admits, on page 40 of the testimony, that after December, 1867, the various stock and bond dividends on the stock he had sold amounted to an aggregate of more than eight hundred per cent. and that between January, 1868, and May, 1871, all these dividends were paid to several of those who purchased the stock. My conduct was wholly inconsistent with the supposition of such ownership, for during the year 1869 I was borrowing money to build a house in Washington, and was securing my creditors by giving mortgages on my property ; and all this time it is admitted that I received no dividends and claimed none. The attempt to prove a sale of the stock to me is wholly inconclusive, for it rests, first, on a check payable to Mr. Ames himself, concerning which he several times says he does not know to whom it was paid ; and, second, upon loose undated entries in his diary which neither prove a sale of stock nor any payment on account of it. The only fact from which it is possible for Mr. Ames to have inferred an agreement to buy the stock was the loan to me of \$300. But that loan was made months before the check of June 22, 1868, and was repaid in the winter of 1869 ; and after that date there were no transactions of any sort between us. And, finally, before the investigation was ended, Mr. Ames admitted that, on the chief point of difference between us, he might be mistaken.

The initial exposure of the Credit Mobilier was made by the *New York Sun*, September 12, 1872, when the testimony of Henry S. McComb and the letters of Oakes Ames were first printed. General Garfield's first statement of his connection with the swindle was made from his dictation by the Washington correspondent of the *Cincinnati Gazette* and will be found in that paper of September 16, 1872, as follows :

### GENERAL GARFIELD'S STATEMENT IN 1872.

General Garfield, who has just arrived here from the Indian country, has to-day had the first opportunity of seeing the charges connecting his name with receiving shares of the Credit Mobilier from Oakes Ames. He authorizes the statement that he never subscribed for a single share of that stock, and that he never received or saw a share of it. When the company was first formed, George Francis Train, then active in it, came to Washington and exhibited a list of subscribers of leading capitalists and some members of Congress to the stock of the company. The subscription was described as a popular one of one thousand dollars cash. Train urged the General to subscribe on two occasions and each time he declined. Subsequently he was again informed that the list was nearly completed, but that a chance remained for him to subscribe, when he again declined, and to this day he has not subscribed or received any share of stock or bond of the company. It is well known here that under the Durant regime it was claimed by Durant and George Francis Train that some six hundred thousand dollars of the company's money was used in Washington ; but when the company attempted to obtain the vouchers and names of the parties to whom payments had been made, it was impossible to obtain anything but vague and unsatisfactory statements. The list which the liberal papers are now circulating bear a very close resemblance to many others originating with George Francis Train.

### WHAT THE CINCINNATI GAZETTE SAID LATER.

After Oakes Ames produced his famous memorandum book before the Poland Committee, and the whole truth about General Garfield's connection with the Credit Mobilier fraud was made plain, Gen. Boynton telegraphed to the *Cincinnati Gazette* as follows :

*From the Cincinnati Gazette, Jan. 23, 1873.*

Ames' testimony to-day, fortified as it was by transcripts from his books, has created more sensation than any incident of a congressional investigation for many years. It left Mr. Colfax in the same position as Senator Patterson, except that there was no final settlement.

Both Garfield and Kelley took ten shares and Ames carried them and let the dividends pay for the investment. Both received the first dividends in bonds, which Ames sold and applied on their purchase, and both received the balance due from the second cash dividend, \$329, in stock from the Sergeant-at-Arms.

He never had any talk with either about the transaction being one of borrowed money, until since the investigation began. Garfield called on him to consider that it was borrowed.

The *Gazette*, commenting editorially on Ames' testimony, said:

After a full belief, founded upon such information as could be obtained here, that the denials (Garfield and others), were all true in the unqualified sense in which the public received them, it was very far from pleasant to know that the committee of investigation had scarcely touched the matter in hand before the whole fabric of denial fell, AND EVERY ONE whose name appeared on the Oakes Ames' list, was found to be a greater or less degree INVOLVED."

The New York *Tribune*, commenting on the above, said: "This is the opinion of more than half the community."

#### GEN. GARFIELD'S SWORN STATEMENT.

On January 14, 1873, Gen. Garfield testified as follows (*See Poland Report, Credit Mobilier, pages 128-9*):

The first I ever heard of the Credit Mobilier was some time in 1866 or 1867—I cannot fix the date—when George Francis Train called on me and said he was organizing a company to be known as the Credit Mobilier of America; to be formed on the model of the Credit Mobilier of France; that the object of the company was to purchase lands and build houses along the line of the Pacific Railroad at points where cities and villages were likely to spring up; that he had no doubt money thus invested would double or treble itself each year; that subscriptions were limited to \$1,000 each, and he wished me to subscribe. He showed me a long list of subscribers, among them Mr. Oakes Ames, to whom he referred me for further information concerning the enterprise. I answered that I had not the money to spare, and if I had I would not subscribe without knowing more about the proposed organization. Mr. Train left me, saying he would hold a place open for me, and hoped I would yet conclude to subscribe. The same day I asked Mr. Ames what he thought of the enterprise. He expressed the opinion that the investment would be safe and profitable.

I heard nothing further on the subject for a year or more, and it was almost forgotten, when some time, I should say, during the long session of 1868, Mr. Ames spoke of it again; said the company had organized, was doing well, and he thought would soon pay large dividends. He said that some of the stock had been left or was to be left in his hands to sell, and I could take the amount which Mr. Train had offered me, by paying the \$1,000, and the accrued interest. He said if I was not able to pay for it then, he would hold it for me till I could pay, or until some of the dividends were payable. I told him I would consider the matter; but would not agree to take any stock until I knew, from an examination of the charter and the conditions of the subscription, the extent to which I should become pecuniarily liable. He said he was not sure, but thought a stockholder would be liable only for the par value of his stock; that he had not the stock and papers with him, but would have them after a while.

From the case, as presented, I probably should have taken the stock if I had been satisfied in regard to the extent of pecuniary liability. Thus the matter rested for some time, I think until the following year. During that interval I understood that there were dividends due amounting to nearly three times the par value of the stock. But in the meantime I had heard that the company was involved in some controversy with the Pacific Railroad, and that Mr. Ames' right to sell the stock was denied. When I next saw Mr. Ames I told him I had concluded not to take the stock. There the matter ended, so far as I was concerned, and I had no further knowledge of the company's operations until the subject began to be discussed in the newspapers last fall.

Nothing was ever said to me by Mr. Train or Mr. Ames to indicate or imply that the Credit Mobilier was or could be in any way connected with the legislation of Congress for the Pacific Railroad or for any other purpose. Mr. Ames never gave, nor offered to give, me any stock or other valuable thing as a gift. I once asked and obtained from him, and afterward repaid to him, a loan of \$300; that amount is the only valuable thing I ever received from or delivered to him.

I never owned, received, or agreed to receive any stock of the Credit Mobilier or of the Union Pacific Railroad, nor any dividend or profits arising from either of them.

#### OAKES AMES DESIRED TO SCREEN GARFIELD.

Oakes Ames' first-impressions of the Credit Mobilier were remarkably similar to those of Gen. Garfield. Gen. Garfield, in his sworn statements, says that he obtained his first information, in 1866 and 1867, from George Francis Train. Oakes Ames testified as follows (*see page 38, Poland Report, Credit Mobilier*):

Q. Can you tell us when the Credit Mobilier was chartered by the Pennsylvania Legislature? A. No, sir, I cannot. I had nothing to do with the Credit Mobilier until 1865, I think.

Q. It was prior to 1865, then? A. My impression is that it was an old charter that George Francis Train had control of. Mr. Durant bought it of him. Mr. Durant was one of the first stockholders of the Union Pacific Railroad.

Q. When did this corporation, known as the Credit Mobilier, become interested in the construction of the Union Pacific Railroad? A. I think it had something to do with some of the early contracts which are set forth in this paper printed here. There was the Hoxie contract, which, if I am not mistaken, was run by the Credit Mobilier. It was used in this way, in some shape, for a year or two before I had anything to do with it. I think the first contract for the Credit Mobilier was the Hoxie contract, and the dates of it, as given here, were August 8, 1864; May 12, 1864; and October 1, 1864.



When Mr. Oakes Ames first testified before the Poland Committee he was desirous of shielding all the members of Congress to whom he had given Credit Mobilier stock. It will be remembered that the committee first sat with closed doors; that its proceedings were secret; that after Ames had testified each one of the implicated Congressmen came before the committee and made their written statements. It is a fact generally known, often stated and never denied, that after the committee to investigate had been raised all of the implicated Congressmen met with Mr. Ames in the Committee-room on Pacific Railroads of the House, and there agreed among themselves: *First*, as to what Ames was to testify to; and, *Second*, how each one implicated by him was to answer before the committee. In pursuance of this agreement Oakes Ames, December 18, 1872, appeared before the committee, when Mr. McMurtrie, his counsel, read a paper which he had prepared. It was a general statement of Mr. Ames' connection with the Credit Mobilier. In this paper he speaks of the transactions he had with the various members of Congress. To show how anxious he was to screen them we quote what he said of Mr. Colfax (*see page 20, Poland Report, Credit Mobilier*):

Mr. Colfax is one mentioned. I cannot remember which of us first mentioned the subject, but I know he wanted to get some stock. I am pretty confident he has paid me for it, though it was never transferred to him, nor can I remember having paid over to him any dividends. At the next session he said something about that thing being off.

He dismissed Gen. Garfield as follows:

I agreed to get ten shares of stock for him, and hold it until he could pay for it. He never did pay for it or receive it.

When examined by the Chairman of the Committee in regard to Gen. Garfield, Mr. Ames testified as follows (*see page 28, ibid*):

#### BUT AMES SWORE HE HAD THE STOCK.

Q.—In reference to Mr. Garfield you say that you agreed to get ten shares for him, and so hold them until he could pay for them, and that he never did pay for them, nor receive them? A. Yes, sir.

Q. He never paid any money on that stock, nor receive any money from it? A. Not on account of it.

Q. He received no dividend? A. No, sir, I think not. He says he did not. My own recollection is not very clear.

Q. So that, as you understand, Mr. Garfield never parted with any money nor received any money on that transaction? A. No, sir. He had some money from me once—some three or four hundred dollars—and called it a loan. He says that is all he ever received from me, and that he considered it a loan. He never took his stock, and never paid for it.

Q. Did you understand it so? A. Yes; I am willing to so understand it. I don't recollect paying him any dividend, and have forgotten that I paid him any money. (*See page 33, Ibid.*)

\* \* \* \* \*

Q. Did you solicit all these members of Congress to take stock? A. No; I think most of them solicited me.

Q. Was not stock promised to any members of Congress prior to the summer or fall of 1867, by you, or to your knowledge? A. Some members of Congress owned it before this, and I think some members of Congress had spoken to me about it. I told them I would try to get some, but we had none to give them until the stock held by Mr. Durant, not being paid for, was transferred to the company. I had sold some of my own stock to parties.

Q. When was the act passed which subordinated the Government loan to that of the Union Pacific Railroad Company? A. In 1864.

Q. Did any members of Congress hold any of this stock prior to that time? A. I think not. I do not know of any. I had nothing to do with it until long after that time.

#### THEY DID NOT WANT IT WHEN IT WAS DANGEROUS.

Q. When you received money from these gentlemen for stock was it assigned to them, or did it still remain in your name? A. It still remained in my name; most of it.

Q. Why was it not assigned? A. I don't know of any reason, except that when a man buys stock and keeps it there is no use of transferring it; when the suit of Mr. McComb was brought, they did not, any one of them, want to own the stock.

\* \* \* \* \*

Q. Who received the dividends? A. Mr. Patterson, Mr. Bingham, James F. Wilson did, and I think Mr. Colfax received a part of them. I do not know whether he received them all or not. I think Mr. Scofield received a part of them. Messrs. Kelley and Garfield never paid for their stock, and never received their dividends (*see page 41, ibid*).

\* \* \* \* \*

Q. Had not a Congressional investigation into the affairs of the Union Pacific Railroad Com-

pany and the Credit Mobilier, one or both of them, been threatened prior to January 30, 1868? A. I do not know whether there had or not. It used to be talked about sometimes up there in New York. I do not know that I ever heard anything of it here.

Q. Was there or not an investigation by Congress referred to in your letter to Mr. McComb of January 30, 1868, in which you say, "I do not fear any investigation here." A. Yes, probably; I had nothing to fear from an investigation.

Q. Then a Congressional investigation had been suggested prior to that time? A. Up there in New York; not here, that I know of.

Q. You say in the same letter that, in view of King's letter and Washburn's move, you go in for making the bond dividend in full. What did you refer to by "Washburn's move" here? A. Washburn made an attack upon the Union Pacific Railroad, that we were charging too much fare; that our lands were enormously valuable, worth five to ten dollars an acre for the alkali regions on the plains; that they were not going to build the road so as to be good for anything; that the object was to get the Government bonds, and then abandon the road to the Government.

Q. Had Washburn said anything about an investigation? A. I do not recollect that he had. He wanted to fix a rate of fare by law, beyond which we could not charge. He wanted us to be restricted to a certain amount. That was one of the things he claimed. I do not remember fully all he did claim.

Q. In your letter to Mr. McComb of January 25, 1868, you say you think that the dividends having been paid you ought to make the Credit Mobilier capital four millions, and distribute the new stock where it will protect you, &c. What do you mean by having stock placed where it will protect you? A. Placed with men of character, property and standing. I wanted that such men should own it and have interest with us (see pages 46 and 47, *ibid*).

\* \* \* \* \*

#### THE TALK IN THE SENATE IN 1869.

Q. Are you not aware that in 1869 there was a discussion on this subject in the Senate, and that opinions were expressed inconsistent with those you now express? A. I do not know. There have been all kinds of opinions expressed, in the Senate and House both, on all subjects.

Q. Were you not present in a debate in the Senate in April, 1869, in which Mr. Stewart, of Nevada, and many other persons participated, in which they thought the whole transaction a gross and stupendous fraud? A. I think it very likely that such things were said in the Senate in 1869, and I do not know but Mr. Stewart may have said them.

Q. Were you not present when that discussion occurred? A. I do not know. I heard debates probably about that time in the Senate. That was about the time, if I remember right, when we were trying to fix the terminal point of the two roads, and I think it was in relation to that.

Q. Was it not in regard to the other matter on which you stated that legislation was asked, namely, the removal of the place of business from New York to Boston? A. I cannot tell you.

Q. And you do not recollect that you were present at the debate referred to? A. I have been present when debates in the Senate have occurred on questions of that kind.

Q. You do not recollect a debate on this subject in which Mr. Stewart participated? A. I remember something of such a debate. I cannot recollect what Mr. Stewart said.

#### JOHN B. ALLEY CORROBORATES AMES.

John B. Alley, then a member of Congress from Massachusetts, a stockholder in the Union Pacific Railroad and Credit Mobilier, in his testimony before the Poland Committee, explained how the suit of Henry S. McComb, which resulted in the exposure of the Credit Mobilier fraud, came to be brought (see pages 91 and 92).

His counsel, Judge Black, called upon me, and had several conversations upon the subject, in which he urged with great force the necessity of Mr. Ames compromising this suit, and said that I, as the friend of Mr. Ames, ought to do everything in my power to save him from such terrible disgrace as the publication of these letters would occasion.

\* \* \* \* \*

Judge Black still insisted that McComb had these letters, and the names of the parties he said were inserted by Ames in the letters, and he understood that the names of Colfax, Boutwell and Wilson were among them, also Mr. Garfield. He should be very sorry, he said, to expose Mr. Garfield, who was a particular friend of his. He said it would be found that these gentlemen and several others were stockholders who were also members of Congress.

#### THE TRUTH CAME OUT BY DEGREES.

The attempt to smother the investigation and suppress the facts in regard to the bribery of members of Congress was too patent to deceive the public. The committee sitting with closed doors suffered no fact in regard to the testimony taken by it to reach the press. Public sentiment made itself felt during the holiday recess, and when Congress reassembled on January 6, 1873, a resolution was introduced in the House and passed directing the committee to sit with open doors. Gen. Boynton, the Washington correspondent of the *Cincinnati Gazette*, in his dispatch to that paper speaks of this as follows:

The session of the House to-day was the liveliest of the season. The whole session after the morning hour was devoted to the consideration of the Credit Mobilier in one form or other. There was a quiet attempt from several quarters to defeat the attempt to open the doors of the Committee room, but the sentiment of the House was too decided and the resolution passed.



From that day forward the proof came out by degrees. Mr. Colfax, Vice-President of the United States and Mr. Patterson, Senator from New Hampshire, had raised a question of veracity between themselves and Oakes Ames. This forced Mr. Ames to tell the whole truth. In the course of his different examinations by the Poland Committee he produced his famous memorandum book, in which he had set down in detail his transactions with all the implicated Congressmen. On January 22, 1873, Mr. Ames was recalled. In the course of that day's examination, after disposing of Mr. Colfax and Mr. Allison, he came to Gen. Garfield. (See page 295, *ibid*).

Q. In regard to Mr. Garfield, state to the Committee the details of the transaction between you and him in reference to Credit Mobilier stock? A. I got for Mr. Garfield ten shares of the Credit Mobilier stock for which he paid par and interest.

Q. When did you agree with him for that? A. That agreement was in December, 1867, or January, 1868; about that time; about the time I had these conversations with all of them. It was all about the same time.

Q. State what grew out of it? A. Mr. Garfield did not pay me any money. I sold the bonds belonging to his \$1,000 of stock at \$97 making \$776. In June I received a dividend in cash on his stock of \$600, which left a balance due him of \$329, which I paid him. That is all the transaction between us. I did not deliver him any stock before or since. That is the only transaction and the only thing.

#### THAT \$329 WHICH GARFIELD GOT.

By Mr. Merrick: Q. The \$329 which you paid him was the surplus of earnings on the stock above the amount to be paid for it par value? A. Yes, sir; he never had either his Credit Mobilier stock or Union Pacific Railroad stock. The only thing he realized on the transaction was the \$329.

Q. I see in this statement of the account with General Garfield, there is a charge \$47; that is interest from the July previous, is it? A. Yes, sir.

Q. And the \$776, on the credit side of the account is the 80 per cent. bond dividend sold at 97? A. Yes, sir.

Q. And the \$600 on the credit side is the money dividend? A. Yes, sir.

Q. And after you had received these two sums, they in the aggregate overpaid the price of stock and interest \$329, which you paid to him? A. Yes, sir.

Q. How was that paid? A. Paid in money I believe.

Q. Did you make a statement of this to Mr. Garfield? A. I presume so; I think I did with all of them; that is my impression.

Q. When you paid him this \$329, did you understand it was the balance of his dividend after paying for his stock? A. I supposed so; I do not know what else he could suppose.

Q. You did not deliver the certificate of stock to him? A. No, sir; he said nothing about that.

Q. Why did he not receive his certificate? A. I do not know.

Q. Do you remember any conversation between you and him in the adjustment of these accounts? A. I do not.

Q. You understood that you were a holder of his ten shares? A. Yes, sir.

Q. Did he so understand it? A. I presume so. It seems to have gone from his mind, however.

Q. Was this the only dealing you had with him in reference to any stock? A. I think so.

Q. Was it the only transaction of any kind? A. The only transaction.

Q. Has that \$329 ever been paid to you? A. I have no recollection of it.

Q. Have you any belief that it ever has? A. No, sir.

Q. Did you ever loan General Garfield \$300? A. Not to my knowledge; except that he calls this a loan.

Q. You do not call it a loan? A. I did not at the time. I am willing it should go to suit him.

Q. What we want to get at is the exact truth. A. I have told the truth in my statement.

Q. When you paid him \$329, did he understand that he borrowed that money from you? A. I do not suppose so.

Q. Have you any belief now that he supposed so? A. No; only from what he said the other day. I do not dispute anybody.

Q. We want your judgment of the transaction. A. My judgment of the transaction is just as I told you. There was but one thing about it.

Q. That amount has never been repaid to you? You did not suppose that you had any right to it, or any claim to it? A. No, sir.

Q. You regarded that as money belonging to him after the stock was paid for? A. Yes, sir.

Q. There were dividends of Union Pacific Railroad stock on these ten shares? A. Yes, sir.

Q. Did General Garfield ever receive these? A. No, sir; never has received but \$329.

#### IT WAS NOT A LOAN.

Q. And that he has received as his own money? A. I suppose so; it did not belong to me. I should not have given it to him if it had not belonged to him.

Q. You did not understand it to belong to you as a loan; you never called for it, and have never received it back? A. No, sir.

Q. Has there been any conversation between you and him in reference to the Pacific stock he was entitled to? A. No, sir.

Q. Has he ever called for it? A. No, sir.

Q. Have you ever offered it to him? A. No, sir.

Q. Has there been any conversation in relation to it? A. No, sir.

Q. Has there ever been anything said between you and him about rescinding the purchase of the ten shares of Credit Mobilier stock? Has there anything been said to you of its being thrown up, or abandoned, or surrendered? A. No, sir; not until recently.

Q. How recently? A. Since this matter came up.

Q. Since this investigation commenced? A. Yes, sir.

By Mr. Merrick: Q. Did you consider at the commencement of this investigation that you held these other dividends, which you say you did not pay to him, in his behalf? Did you regard yourself as custodian of these dividends for him? A. Yes, sir; he paid for his stock and is entitled to his dividends.

Q. What the dividends come to him at any time on his demand? A. Yes, sir, as soon as this suit is settled.

Q. You say that \$329 was paid to him; how was it paid? A. I presume by a check on the Sergeant-at-Arms. I find there are some checks filed without any letters or initials indicating who they were for.

Q. Have you had any correspondence since this dividend was paid, with him in regard to this matter? A. I do not know what matter you refer to.

Q. If you had any correspondence between you I would like to see it. A. I have no copy of it.

Q. Have you the original? A. No, sir. Mr. Garfield showed me a letter which he said he intended to inclose with some money sent me; I did not know who the money came from; he showed me a letter which he said he intended to have put in; I indorsed on the back of that letter my reply; I just turned over the letter and wrote what I wrote on the back of it, and let him have it.

Q. Your answer indorsed on the back of the letter was published in the newspapers? A. Yes, sir; he published the letter, I believe.

Q. As published, did they correspond with your recollection of the papers as written? A. Yes, sir; I wrote it off hastily: he came to my room and said he had been accused of all kinds of crimes and misdemeanors; I told him I had made no such statement as he represented; he wanted me to say in writing that I had not; I took his letter, which he said he intended to have inclosed with the money, and wrote on the back of it that I had made no such statement.

Q. The published correspondence in the morning papers of the next day is your recollection of what occurred? A. It agrees with my recollection, except that he says he left a letter for me at the Arlington; I never received that letter; I only saw the letter on which I indorsed my answer.

Q. Did he inclose the money? A. Some money came to me inclosed in an envelope which he said he had sent; I gave it back to him.

Q. How much money was in that envelope? A. Four hundred dollars.

#### THE FAMOUS MEMORANDUM BOOK AND CHECK.

The following memorandum referred to by witness as a statement of his account with Mr. Garfield, was placed in evidence:

	J. A. G.	Dr.
1868.	To 10 shares stock Credit Mobilier of A.....	\$1,000 00
	Interest.....	47 00
June 19.	To cash.....	329 00
		<u>\$1,376 00</u>
		Cr.
1868.	By dividend bonds, Union Pacific Railroad, \$1,000, at 80 per cent. less 3 per cent.....	\$776 00
June 17.	By dividend collected for your account.....	600 00
		<u>\$1,376 00</u>

On January 29, 1873, Oakes Ames was further re-examined in regard to the checks upon the Sergeant-at-Arms of the House of Representatives with which he had paid the different members of Congress their dividends on Credit Mobilier stock (see pages 353, 4, 5, 6, 7, 8, and 9, *ibid.*)

Q. Here is another check upon the Sergeant-at-Arms of the same date, June 22, 1868: "Pay O. A. or bearer \$329, and charge to my account. Oakes Ames." That seems to have been paid to somebody and taken up by the Sergeant-at-Arms. These initials are your own? A. Yes, sir.

Q. Do you know who had the benefit of that check? A. I cannot tell you.

Q. Do you think you received the money on it yourself? A. I have no idea. I may have drawn the money and handed it to another person. It was paid on that transaction. It may have been paid to Mr. Garfield. There were several sums of that amount.

\* \* \* \* \*

Q. Is there any other gentlemen here in Congress who received \$329 dividend except those who have already been named by you? A. I don't think of any other.

Q. In regard to Mr. Garfield, do you know whether you gave him a check or paid him the money? A. I think I did not pay him the money. He got it from the Sergeant-at-Arms upon a check.

Q. You have testified to the check of \$1,200, payable to S. C. or bearer; also to one \$329 to Mr. Allison; also \$329 to W. D. K.: the same amount to Mr. Wilson, and the same amount to John A. Logan, whose names appear here. These are all the names that appear on the books of the Sergeant-at-Arms of persons in Congress on that day. Are you satisfied that this check of \$329, in which your own initials are written, was to pay some one a dividend on that stock? A. Yes, sir. I don't know why I should draw a check for \$329 except for that purpose.

\* \* \* \* \*

Q. You think the check in which you wrote nothing to indicate the price must have been for Mr. Garfield? A. Yes, sir; that is my judgment.

\* \* \* \* \*

Q. You say that Mr. Scofield, Mr. Dawes, Mr. Logan, and others with whom you made an



adjustment, they having declined to take the shares of Credit Mobilier stock, did not receive these dividends? A. No, sir; they went out after the sixty per cent. dividend; they had no more to do with it, and they were not entitled to anything more.

Q. But Mr. Kelley, you suppose, was entitled to receive the dividends, and will receive them when you settle with him? A. Yes, sir; I expect to pay over to Mr. Kelley everything I have received on his stock.

Q. And in relation to Mr. Garfield? A. The same in relation to him, if it is not borrowed money. I consider that I sold him the stock and that he holds it.

\* \* \* \* \*

Q. You understand that Mr. Kelley and Mr. Garfield have each been bettered \$329 by their transactions? A. That is all there is of it.

#### GARFIELD'S TELLTALE FIGURES.

Q. How many of them have you had conversations with? A. I have had conversations with almost all of them.

Q. What the committee want to learn is, whether in conversations with any of these gentlemen they have stated or admitted the matter to be different from what they have testified to before the committee? A. I hardly know how to answer that question.

Q. Take any one that occurs to you; Mr. Merrick suggests Mr. Garfield. A. Mr. Garfield has been to see me about the matter, and we have talked it over. A part of the time he thinks it was a loan; sometimes he thinks he has repaid me; and then again he is in doubt about it.

Q. You may state whether, in conversation with you, Mr. Garfield claims, as he claimed before us, that the only transaction between you was borrowing \$300? A. No, sir; he did not claim that with me.

Q. State how he does claim it with you; what was said; state all that occurred in conversation between you. A. I cannot remember half of it. I have had two or three interviews with Mr. Garfield. He wants to put it on the basis of a loan. He states that when he came back from Europe, being in want of funds, he called on me to loan him a sum of money. He thought he had repaid it. I do not know. I cannot remember.

Q. What did you say to him in reference to that state of the case? A. I stated to him that he never asked me to lend him any money; that I never knew he wanted to borrow any. I did not know he was short. I made a statement to him, showing the transaction, and what there was due on it, that, deducting the bond dividend and the cash dividend, there was \$329 due him, for which I had given him a check; that he had never asked me to loan him any money, and I never loaned him any.

Q. After you had made that statement, what did he state in reply? A. He wanted to have it go as a loan.

Q. Did he claim that it was in fact a loan? A. No, sir; I do not think he did. No, he did not.

Q. Go on and state, then, what was said—all the discussion that took place. A. I cannot tell you all; we had three or four talks. I cannot remember all that was said.

Q. How long after that transaction did he go to Europe? A. I believe it was a year or two.

Q. Did you have any conversation in reference to the influence this transaction would have upon the election last fall? A. Yes; he said it would be very injurious to him.

Q. What else in reference to that? A. I am a very bad man to repeat conversation; I cannot remember.

Q. State all that you know in reference to it. A. I told him he knew very well that that was a dividend. I made out a statement, and showed it to him at the time. In one conversation he admitted it, and said, as near as I can remember, that there was \$2,400 due him in stock and bonds. He made a little memorandum of \$1,000 and \$1,400, and, as I recollect, said there was \$1,000 of Union Pacific Railroad stock, \$1,000 of Credit Mobilier stock, and \$400 of stock or bonds, I do not recollect what.

#### WHEN GARFIELD MADE THE FIGURES.

Q. When was that memorandum made? A. It was made in my room; I cannot remember the date. It was since this investigation commenced.

Q. Was it in that conversation that he referred to the influence this matter would have upon the election in his district? A. I do not recollect whether it was in that one or some other. I have had two or three conversations with him.

Q. Tell us, as nearly as you can, precisely the remarks he made in that connection. A. It was that it would injure his reputation; that it was a cruel thing. He felt very bad, was in great distress, and hardly knew what he did say.

Q. Did he make any request of you to make no statement in reference to it? A. I am not positive about that.

Q. What is your best recollection in reference to it? A. My impression is that he wanted to say as little about it as he could, and to get off as easily as he could. That was about the conversation I had with him, about the long and short of it.

Q. Have you the memorandum that Mr. Garfield made? A. I have the figures that he made.

Paper shown to the committee, containing figures as follows:

"\$1,000  
1,400  
\$2,400"

Q. You say these figures were made by Mr. Garfield? A. Yes, sir.

Q. What do these sums represent? How did he put them down? A. \$1,000 Union Pacific Railroad stock, \$1,000 Credit Mobilier stock, and \$400 which he could not remember whether it was to be in cash, stock or bonds.

Q. Is that what he had received, or what he was entitled to? A. What he was entitled to.

Q. That was his idea of what was coming to him? A. Yes, sir.

Q. Was that about what he would have been entitled to? A. He would have been entitled to the \$1,000 in stock, and he would have been entitled to more than that. The \$400 I think he is in error about. I gave him \$329; I do not know whether the \$400 referred to that.

Q. Did he put this down as his recollection of the statement you made to him? A. I so understood it.

By Mr. Merrick:—Q. It was in this conversation that these figures were made—that he depreciated the effect of the matter upon his election? A. I do not know about his election; it was about his prospects, his reputation, &c.

Q. I understand that, in substance, he desired you to say as little as possible about it? A. Yes, sir; and that is my desire.

Q. Will you repeat just about what he did say? A. I cannot remember the conversation well enough to repeat it.

Q. You can repeat the substance of it? A. I have given you the substance of it.

#### AMES THOUGHT HE WOULD KEEP THE FIGURES.

Q. How did you happen to retain that little stray memorandum? A. I do not know. I found it on my table two or three days afterward. I did not pay any attention to it at the time, until I found there was to be a conflict of testimony, and I thought that might be something worth preserving.

Q. This conversation was in your room, and the figures made there? A. Yes, sir.

Q. Do I understand you that this loan which Mr. Garfield claims to have been made was in reference to a trip to Europe taken by him a year or two afterward? A. I do not know when he took his trip. I know he did not go during that session of Congress. This payment was made to him during that session of 1867-'68.

Q. Do you know whether he went during that recess following? A. I cannot say; I do not know.

Q. Do you not know that he did not go to Europe for nearly two years afterward? A. No, I do not. It is my impression it was two years afterward, but I cannot remember dates. People ask me about things that occurred a year ago, and I cannot tell whether it was ten years ago or one.

By the Chairman: Q. Did you understand in this conversation you had with General Garfield that you detailed to him the history of this matter as to how the statement you had let him have was made up; and did you understand him to concede your statement about it to be the truth? A. Well, I cannot say. He would not have been very apt to recollect the amount there was due to him if he had not acceded to my statement.

Q. From the whole conversation—from what he said and the figures that he made, did you understand him to concede the statement you had made to him as about the truth? A. Yes, I so understood him.

Q. That statement you made to him was in substance the statement you have made to us in reference to him? A. Yes, sir.

#### AMES EXHIBITED THE FAMOUS MEMORANDUM BOOK.

On February 11, 1873, Mr. Ames exhibited to the committee the entry in his memorandum book which showed his transactions with Gen. Garfield and other members. It will be observed in Gen. Garfield's defense of himself, furnished to the author of his biography, as given above, that he said:

In the case of each of those who did purchase the stock there was produced as evidence of the sale either a certificate of stock, receipt of payment, a check drawn in the name of the payee, or entries in Mr. Ames' diary of a stock account, marked, adjusted and closed, but that no one of these evidences exists in reference to me.

Contrast with this statement the following from the testimony of Oakes Ames, page 459, Poland Report:

Q. Now turn to any entries you may have in reference to Mr. Garfield. A. Mr. Garfield's payments were just the same as Mr. Kelley's.

Q. I find Mr. Kelley's name on the list of June dividend payments for \$329. That I understand you to be the amount of the June dividend after paying the balance due on his stock? A. Yes, sir; the general statement made up for Mr. Garfield is as follows:

GARFIELD.	
10 shares Credit M. ....	1,000
7 mos. 10 days .....	43 36
	1,043 36
80 per ct. bd. div., at 97 .....	776
	267 36
Int't to June 29 .....	3 61
	271 00

1,000 C. M.

1,000 U. P.

Q. You received \$600 cash dividend on his ten shares? A. Yes, sir.

Q. And, as you say, paid him \$329, as the balance of the dividend due him? A. I think I did.

Q. In this list of names for the June dividend Mr. Garfield's name is down for \$329? A. That would be the balance due.

Q. The cross opposite his name indicates that the money was paid to him? A. Yes, sir.

Mr. Clark remarked that Mr. Ames was not certain whether this amount was paid Mr. Garfield by check or in currency.

The Witness: If I drew the check I may have paid him off in currency, as I find no check with initials corresponding to his.

Q. We find three checks for the amount of \$329 each; one is in blank; there are no initials written in. There are, however, the same number of checks for that amount as are called for by the names on this list for that amount. A. I am not sure how I paid Mr. Garfield; I paid him in some form.



## THE COMMITTEE CONDEMN GARFIELD.

The committee, in their report to the House of Representatives, which was unanimous, having been signed by every member of the committee, found in regard to Gen. Garfield as follows (see page 7 of report):

## MR. JAMES A. GARFIELD, OF OHIO.

The facts in regard to Mr. Garfield, as found by the committee, are identical with the case of Mr. Kelley to the point of reception of the check for \$329. He agreed with Mr. Ames to take ten shares of Credit Mobilier stock, but did not pay for the same. Mr. Ames received the 80 per cent. dividend in bonds, and sold them for 97 per cent., and also received the 60 per cent. cash dividend, which together paid the price of the stock and interest, and left a balance of \$329. This sum was paid over to Mr. Garfield by a check on the Sergeant-at-Arms, and Mr. Garfield then understood this sum was the balance of dividends after paying for the stock. Mr. Ames received all the subsequent dividends, and the committee do not find that, since the payment of the \$329, there has been any communication between Mr. Ames and Mr. Garfield on the subject until this investigation began. Some correspondence between Mr. Garfield and Mr. Ames, and some conversations between them during this investigation, will be found in the reported testimony.

## THE HISTORY OF THE CREDIT MOBILIER OF AMERICA.

The Credit Mobilier of America was originally the Pennsylvania Fiscal Agency. It was incorporated by the legislature of that State November 1st, 1859. The powers conferred upon this corporation was something wonderful. It was empowered to carry on every sort of financial business except banking, without individual liability on the part of these stockholders. The company had been organized before the war of the rebellion, a part of its stock subscribed and an installment thereon paid in. Among the incorporators were Duff Green, David R. Porter, formerly governor of the State of Pennsylvania, and a number of other capitalists of that state. The promoter of this enterprise was Duff Green, and his intention was to use it in building a Southern Pacific Railroad along the line since adopted by the Texas Pacific Railroad Company. While Durant, Ames, McComb, Bushnell and the other directors of the Union Pacific Railroad were endeavoring to evolve from their heads a plan whereby they might execute the Hoxie contract without incurring individual liability, Geo. Francis Train, who knew of Green's corporation, suggested to Durant the idea of purchasing it. There was one difficulty, however, in the way. None of the officers of the company were to be found except the secretary, a man by the name of Barnes. Duff Green, the president and the owner of a majority of the stock, was in the service of the Confederacy, but Barnes got together a few of the stockholders, organized anew the concern and sold it to Durant through Geo. Francis Train. At the suggestion of Train the name of the corporation was changed to the Credit Mobilier of America.

## THE HISTORY OF THE UNION PACIFIC RAILROAD.

The germ of the Pacific Railroad legislation was the charter granted by the pro-slavery legislature of the Territory of Kansas in 1855 for the Leavenworth, Pawnee and Western Railroad Company, which afterwards became the Union Pacific, eastern division, sometimes called the Denver Pacific. It is a notorious fact that this company furnished the funds used in Congress in 1862 to promote the Pacific Railroad bill, under which all Pacific railroads obtained their subsidies from the Government of the United States. The Act of 1862 contemplated an organization composed of men from all quarters of the country, so that the stock might be distributed in an equitable manner to the different sections. There were one hundred and fifty-eight corporators named in the bill. The main features of this act were first to incorporate the persons named with five commissioners designated by the Secretary of the Interior under the name and style of the Union Pacific Railroad Company, who were authorized to build and maintain a railroad from the 100th meridian to the western boundary of Nevada Territory. The capital stock was a hundred millions of dollars, divided into

shares of \$1,000 each ; not more than 200 shares to be held by any one person. As soon as 2,000 shares or two per cent. of the stock was taken, and \$10 a share, or one per cent. paid, the President and the Secretary of the Board of Commissioners were to designate the time at which the subscribers to the stock should meet and elect officers. The right of way was granted through all the public domain, with all necessary grants for stations, buildings, workshops, side tracks, etc., and alternate sections of land for ten miles on each side of the road. In addition there was granted United States bonds at the rate of \$16,000 per mile for about 150 miles, \$48,000 per mile for 300 miles, to include the section crossing the Rocky Mountains and the Sierra Nevada, and \$32,000 per mile for about 850 miles included between the two ranges named. These bonds were declared to be a first mortgage upon the road, and the grant was made upon the express condition that they should be paid at maturity, and all compensation for services rendered to the Government was to be applied to pay the interest on said bonds and five per cent. of the yearly earnings of the road was to be reserved and applied to the payment of the principal of said bonds.

#### THE LEGISLATION OF 1864.

The legislation of 1864 was mainly the means by which fifty millions of dollars were stolen from the people of the United States in the construction of the Union Pacific Railroad. Gen. Garfield was then a member of Congress. He voted for the Act of 1864 and against an amendment offered by Mr. Washburne of Illinois, which prevented the subordinating of the security of the United States to that of the railroad companies (see *Congressional Globe*, vol. 53, p. 3267).

The Act of 1864 doubled the land grants, abandoned the government security by making its bonds a second mortgage upon the property of the road, and provided that only one-half of the earnings from government freights should be applied to pay the interest upon the government bonds. By this act the railroad company was authorized to issue first mortgage bonds equal to the amount granted by the government, which became a prior lien on the road. Up to this time no work, save on the eastern division, had been done towards the completion of the road. In all there was less than 20 miles built and in running order. The Union Pacific Railroad Company, however, claimed that they had \$2,000,000 of stock subscribed, \$200,000 paid in, and to have expended \$800,000. During the debate in the House of Representatives on this bill in 1864, Mr. Elihu B. Washburne said (see vol. 53, p. 351, *Congressional Globe*) :

#### E. B. WASHBURNE DENOUNCED THE ACT OF 1864.

Mr. Washburne, of Illinois. Who are the men who are here to lobby this bill through? Have the men of high character and of national reputation whose names were at an earlier period connected with this enterprise been here, animated by a commendable public spirit, by motives of patriotism, to ask us to pass this bill? I have not heard of such men being here for that purpose, but on the other hand, the work of "putting the bill through" has gone into the hands of such men as Samuel Hallett and George Francis Train, *par nobile fratrum*.

Mr. Washburne, of Illinois, in opposing the provisions of this act of 1864, which gave the company the right to issue first mortgage bonds and make the government lien on the road secondary to the mortgage which secured the bonds issued by the company (*Globe*, volume 53, page 3152), said :

"I come now to the tenth section of the bill, and I confess to a sort of admiration of the sublime audacity which parties must have to come here and ask Congress to enact such a provision into a law.

"I have called attention to other provisions of an extraordinary nature, but this proposed enactment throws all others far into the shade, and stands out in bold relief as an indication of the 'base uses' that this company have conceived that Congress may be put to in their behalf. I carefully read the section, that every gentleman may know its exact meaning and purport :

"SEC. 10. *And be it further enacted*, That section five of said act be so modified and amended that the Union Pacific Railroad Company, the Central Pacific Railroad Company, and any other company authorized to participate in the construction of said road, may issue their first mortgage bonds on their respective railroads and telegraph lines to an amount not exceeding the amount of the bonds of the United States authorized to be issued to said railroad companies respectively. And



the lien of the United States bonds shall be subordinate to that of the bonds of any or either of said companies hereby authorized to be issued on their respective roads, property and equipments. And said section is further amended by striking out the word 'forty' and inserting in lieu thereof the words 'on each and every section of not less than twenty.'

#### SURRENDERING EVERYTHING TO THE CORPORATION.

"Now, it will be recollected that the fifth section of the existing law provides for the repayment of the bonds issued to the company, and declares that the issue and delivery of them to the company shall *ipso facto* constitute a first mortgage on the whole line of road and telegraph, together with the rolling stock. This was the security which Congress had a right to demand of any company that should be organized. It was its duty to require it unless it was intended to surrender up everything and place the most gigantic interests at the feet of the company, without control and without challenge. We donated, as I have before stated, millions upon millions of acres of the public lands to the company for this purpose, then we agreed to give our bonds for the amount, with the interest thereon, of \$96,000,000, and if Congress had required less than a first mortgage as its security it would, in my judgment, have been derelict in its duty to the country, whose interests in this regard it can alone protect.

"What is now proposed by this amendment? I demand that gentlemen shall look at it; let the mirror be held up to nature. Nothing less than that the government, with its liability of a hundred millions, shall relinquish its first mortgage and subordinate its lien to the liens of all the companies created for building the road. The bonds of the United States are to be issued to the company, and the government is to have no prior lien for its security; but by this provision the company, representing as it may but one per cent. or a little over of the amount that the government is liable for, is to subordinate that government to its own interests, raise money on the means that the government has furnished, give a first mortgage for the security of that money, and leave the United States as a second mortgagee, obliged to pay off the first mortgage before it can be in a position to take advantage of any security there might by possibility be as a second mortgagee. But who is wild enough to believe that should the provisions of this section become a law the remaining security of the government will be worth a straw?

"It is worse than idle to contend that we shall have any security left for all our liability if this bill shall pass. And further, by the fifth section of the law, bonds cannot be issued till forty consecutive miles of the road are fully completed and equipped. It is now proposed by this tenth section to strike out forty and make it twenty. This company, not content with snatching from the government the security it now holds for the bonds it issues, cannot even wait to finish the forty miles of road at present required before grabbing what is proposed to put into their hands, but they must cut it down so they can go in on twenty miles. Sir, on my responsibility as a representative I pronounce this as the most monstrous and flagrant attempt to overreach the government and the people that can be found in all the legislative annals of the country. When we look at the original law with all its liberal and just provisions, when we look at the company organized under it and see how far it has failed to meet its proper obligations, and consider the extraordinary amendments here proposed, are we not filled with astonishment at what is demanded of us as the guardians of the people's rights? Indeed, may we now exclaim:

" 'Can such things be,  
And overcome us like a summer's cloud,  
Without our special wonder? '

#### WARNINGS WHICH WERE NOT HEHEDED.

"I warn the true friends of the road, I warn Congress and the people what will be the result. The present directors of the company hold for three years, and the whole business of the directors is done by an executive committee of the board, who hold for the same time. The real state of the case seems to be that the executive committee is the board of directors, and one man is the executive committee."

The vote on the motion of Mr. E. B. Washburne, to strike out this tenth section subordinating the Government lien, was taken June 24, 1864 (*Globe*, vol. 52, p. 3244).

The yeas were 38, nays 81, not voting, 63. Among the yeas were Messrs. Boutwell, Farnsworth, Holman, Orth, Scofield, Spalding and E. B. Washburne.

Among the nays, Messrs. Allison, Ames, Blaine, Brooks, Dawes, Elliott, Kelley and Wilson.

Among those not voting, Messrs. Alley, GARFIELD and Hooper.

The final vote on the passage of the bill was taken June 25, 1864 (see *Globe*, vol. 53, p. 3267), and resulted, yeas 70, nays 38, not voting 74.

Among the yeas were Messrs. Allison, Ames, Blaine, Brooks, Dawes, Elliot, Garfield, Hooper and Wilson.

Among the nays, Messrs. Boutwell, Holman, Orth, Scofield and E. B. Washburne.

The bill returned to the Senate, and finally passed on a conference report, which was not printed, the call of E. B. Washburne for the yeas and nays being refused (see *Globe*, vol. 53, p. 3481).

Under the provisions of the Act of 1862 and the amendments of 1864, the Union Pacific Railroad obtained about twelve millions of acres of land and bonds guaranteed by the government to the amount of \$27,236,512, and was authorized to issue

first mortgage bonds to a like amount. The first section of the act of 1863 required a subscription of \$2,000,000 to be made, and ten per cent. thereon to be paid before organization. The sum of \$2,180,000 was subscribed, and ten per cent., \$218,000, paid in, and in October, 1863, the company was organized and the Board of Directors was elected.

In addition to the first mortgage bonds of the company, and the government bonds of \$54,473,024, the company also issued land-grant bonds, and income bonds, and stock, amounting in all to about \$50,000,000, so that there were assets, independent of the 12,000,000 acres of public lands, about \$111,000,000.

#### OVER A MILLION THE FIRST HAUL.

The first contract for the construction of the road was made with one H. M. Hoxie, who seemed to have been a person of little pecuniary responsibility. His proposal to build and equip one hundred miles of the railroad and telegraph is dated New York, August 8, 1864, signed H. M. Hoxie, by H. C. Crane, attorney. It was accepted by the company September 23, 1864. On the 30th September, 1864, Hoxie agreed to assign this contract to Thomas C. Durant, who was then Vice-President and Director of the Union Pacific railroad, or such parties as he might designate. On the 4th of October, 1864, this contract was extended to the one hundredth meridian, an additional one hundred and forty-six and forty five hundredth miles, the agreement for extension being signed by Crane as attorney of Hoxie. Hoxie was an employee of the company at the time, and Mr. Crane, who signed as Hoxie's attorney, was Durant's "confidential man," as Durant himself expresses it.

By this contract and its extension Hoxie agreed to build two hundred and forty-six and forty-five hundredths miles of road, to furnish money on the securities of the company, to subscribe one million dollars to the capital stock, and he was to receive fifty thousand dollars per mile for the work.

On the eleventh day of October, 1864, an agreement was entered into by Durant, Bushnell, Lambard, McComb, all directors of the Union Pacific Railroad Company, and Gray, a stockholder, to take from Hoxie the assignment of his contract (which assignment he had previously bound himself to make to such persons as Durant should designate), and to contribute \$1,600,000 for the purpose of carrying the contract out.

#### THE EFFECT OF THE LEGISLATION OF 1867.

The resolution as amended by the Senate was passed and became the law. This law changed the time and place of holding the meeting of stockholders of the Union Pacific Railroad Company from New York, where they had been enjoined by the Courts, to Boston, Mass. While the resolution above referred to was pending in Congress, Durant, in order to compel his opponents to compromise with him, announced his determination to make a complete exposure of all the rascality connected with the building of the Union Pacific Railroad. Accordingly he wrote a letter, in which he set out all the facts, and actually mailed it to Mr. Washburne. When his opponents learned of this, they agreed to his compromise, and then went to the post office and got Durant's letter out and destroyed it (see Credit Mobilier Investigation, Poland Committee, Third Session, Forty-second Congress, p. 175). Then Mr. J. M. F. Williams, of Boston, was given the contract to build and equip two hundred and sixty-seven and fifty-two one hundredth miles west from the one hundredth meridian, at fifty thousand dollars per mile. This contract he proposed to assign to the Credit Mobilier, of America, in order to enable it, or the managing directors of the Union Pacific



Railroad through it, to make a profit of about 22,500 dollars per mile on ninety-eight and one quarter miles of road, which had by this time been completed under the Boomer contract. With reference to this, Mr. Williams was asked:

Q. Then what purpose had you to propose to build a road that had already been built by the company at a cost to them of less than the amount mentioned in your proposition? A. We were identical in interest. The Credit Mobilier and the Union Pacific Railroad Company were the same identical parties. We were building it for ourselves, by ourselves, and among ourselves. There was not twenty thousand dollars interest in it.

Q. Was this understood at the time? A. Yes, sir; it was understood that we were dealing with ourselves to get the control in the right hands.

Durant again interfered and defeated this project by legal proceedings. Then a new device was resorted to on the sixteenth of August, 1867.

The Poland report says: "The Oakes Ames Contract" was entered into. At this time, one hundred and thirty-eight miles of road had been completed and accepted west of the one hundredth meridian, at a cost of one hundred and twenty-seven thousand dollars per mile. A portion of the road embraced in the Ames contract began at the one hundredth meridian and extended westward six hundred and sixty-seven miles, and by the terms of the contract the railroad company was to pay as follows:

For the first one hundred miles	\$42,000 per mile	\$4,200,000
" next 167 miles,	\$45,000 per mile	7,515,000
" " 100 "	96,000 "	9,600,000
" " 100 "	80,000 "	8,000,000
" " 100 "	90,000 "	9,000,000
" " 100 "	96,000 "	9,600,000
667		\$47,925,000

At the time this contract was made there was an understanding that it was for the benefit of the shareholders of the Credit Mobilier. Ames was the only medium through whom these shareholders should receive the benefits accruing from it.

This contract was signed on behalf of the railroad company by Oliver Ames, as President *pro tempore*, who was brother and business partner of Oakes Ames. It was approved by Oliver Ames, C. S. Bushnell, Springer Harbaugh, and Thomas C. Durant, as Executive Committee of the Railroad Company, all of whom, excepting Harbaugh, were interested in the Credit Mobilier.

Pursuant to the previous understanding that this contract was to be for the benefit of the shareholders of the Credit Mobilier, on the 15th day of October, 1867, it was signed by a tripartite agreement to seven trustees, namely, Thomas C. Durant, Oliver Ames, John B. Alley, Sydney Dillon, Cornelius S. Bushnell, Henry S. McComb, and Benj. E. Bates, all stockholders in the Union Pacific Railroad Company and in the Credit Mobilier, Oliver Ames occupying the anomalous position of president of the railroad company making the contract, and one of the parties to whom it was assigned—all of them were directors of the railroad company.

It will be seen by this that in order to procure any of the proceeds of this contract, stockholders of the Credit Mobilier who owned stock in the Union Pacific Railroad Company, were compelled to give an irrevocable proxy to these seven trustees to vote in all cases six-tenths of their railroad stock.

The stockholders in the two corporations were substantially identical. These proxies were executed and delivered to these trustees; they represented a majority of the stock, and by this means the entire control of the railroad company passed out of the hands of the stockholders of the latter company, and was reposed in the seven trustees, and for two years they exercised the power thus acquired.

The management of the affairs of the railroad company during the execution of the work under this contract, was under the control of the beneficiaries thereof, and of course the trustees who acquired this power by means of the proxies above mentioned, were not very anxious to protect the interest of the Union Pacific Railroad Company.

This Oakes Ames contract extended over 138 miles of road completed and accepted. That portion already completed had cost not to exceed \$27,500 per mile, and by embracing these one hundred and thirty-eight miles in the contract, the persons interested derived a profit which enabled them to make a dividend among themselves in less than sixty days after the assignment, as follows:

Sixty per cent. in first mortgage bonds of the Union Pacific Railroad Company..... \$2,244,000

Sixty per cent. in stock of the Union Pacific Railroad Company..... 2,244,000

This was mainly, if not entirely derived from the owners of the contract over what the one hundred and thirty-eight miles had cost. The trustees proceeded to construct the road under this contract, and from a balance sheet taken from the books of the company, it appears—

That the cost to the railroad company, was.....\$57,140,102 74

The cost to the contractors, was.....27,285,141 99

Profits .....\$29,854,141 99

The Oakes Ames contract was entered into August 16, 1867, and on December 9, 1867, Mr. Washburne, of Illinois, introduced House resolution No. 252, to create a Government Commission, with power to regulate freight and passenger rates on the Pacific Railroads, which was referred to the Committee on Pacific Railroads. This resolution provided that the Secretary of War, the Secretary of the Interior, and Attorney-General of the United States, should appoint a Board of Commissioners, whose duty it should be on the first day of July in each year

to establish a tariff for freight and passengers over the Union Pacific and Central Pacific Railroads, and their branches, which tariff was to be equitable and just, and not exceeding double the average rates charged on the different lines of railroad between the Mississippi River and the Atlantic Ocean, and in latitude north of St. Louis, Mo., and it should not be lawful for said company to charge any sum in excess of the rates so fixed and established. The Committee on Pacific Railroads not reporting on this resolution, it was reintroduced in the morning hour, Monday, January 20, 1868, by Mr. Windom, of Minnesota, and read the first and second time, but the previous question not being seconded, Mr. Higby arose and debated the resolution. It went over under the rules, but came up again March 12, 1868, and debated. Between the reintroduction of this Washburne resolution, on January 20 and March 12, when the debate, which will be quoted hereafter, occurred, the following correspondence between Oakes Ames and H. S. McComb ensued :

OAKES AMES' LETTERS, WITH LIST OF ASSIGNMENTS AS GIVEN TO MCCOMB.

WASHINGTON, January 25, 1868.

Dear Sir: Yours of the 23d is at hand, in which you say Senators Bayard and Fowler have written you in relation to their stock. I have spoken to Fowler but not to Bayard. I have never been introduced to Bayard, but will see him soon. You say I must not put too much in one locality. I have assigned, as far as I have gone to, four from Massachusetts, one from New Hampshire, one Delaware, one Tennessee, one Ohio, two Pennsylvania, one Indiana, one Maine, and I have three to place, which I shall put where they will do most good to us. I am here on the spot, and can better judge where they should go. I think after this dividend is paid we should make our capital to four millions, and distribute the new stock where it will protect us, let them have the stock at par, and profits made in the future; the fifty per cent. increase on the old stock I want for distribution here, and soon. Alley is opposed to the division of the bonds; says we will need them, etc. I should think that we ought to be able to spare them, with Alley and Cisco on the Finance Committee—we used to be able to borrow when we had no credit and debts pressing. We are now out of debt and in good credit—what say you about the bond dividend—a part of the purchasers here are poor, and want their bonds to sell to enable them to meet their payment on the stock in the C. M. I have told them what they would get as dividend, and they expect, I think, when the bonds the parties receive as the eighty per cent. dividend, we better give them the bonds—it will not amount to anything with us. Some of the large holders will not care whether they have the bonds or certificates, or they will lend their bonds to the company, as they have done before, or lend them money. Quigley has been here, and we have got that one-tenth that was Underwood's. I have taken half, Quigley one-quarter, and you one-quarter. J. Carter wants a part of it; at some future day we are to surrender a part to him.

Yours truly,

H. S. McComb, Esq.

OAKES AMES.

WHERE IT WILL DO MOST GOOD.

WASHINGTON, January 30, 1868.

Dear Sir: Yours of the 28th is at hand, inclosing copy of letter from, or rather to, Mr. King. I don't fear any investigation here. What some of Durant's friends may do in New York courts can't be counted upon with any certainty. You do not understand, by your letter, what I have done, and am to do with my sales of stock. You say none to New York. I HAVE PLACED some with New York, or have agreed to. You must remember it was nearly all placed as you saw it on the list in New York, and there was but six or eight m. for me to place. I could not give all the world all they might want out of that. You would not want me to offer less than one thousand m. to any one. We allow Durant to place some fifty-eight thousand to some three or four of his friends, or keep it himself.

I HAVE USED THIS WHERE IT WILL PRODUCE MOST GOOD TO US, I THINK. In view of King's letter and Washburne's move here, I go in for making our bond dividend in full. We can do it with perfect safety. I understand the opposition to it comes from Alley; he is on the Finance Committee, and can raise money easy if we come short, which I don't believe we shall, and if we do we can loan our bonds to the company, or loan them the money we get from the bonds. The contract calls for a division, and I say have it. When shall I see you in Washington?

Yours truly,

H. S. McComb.

OAKES AMES.

We stand about like this :

Bonds, first mortgage, received on 525 miles, at 16 m.....	\$8,400,000
Bonds, first mortgage, received on 15 miles, at 48 m.....	720,000
Bonds, first mortgage, received on 100 miles, at 48 m.....	4,800,000
	<hr/>
	\$13,920,000
Ten millions sold and to sell to pay our debts.....	10,000,000
	<hr/>
	\$3,920,000
Eighty per cent. dividend on \$3,700,000 C. M. of A.....	3,000,000
	<hr/>
	\$920,000
* Government bonds received this day.....	960,000
Due for transportation four hundred M., one half cash.....	200,000
	<hr/>
	\$2,080,000



In addition to this we can draw government bonds for two thirds of the work done in advance of track, if we desire it.

Indorsed on letter as sworn by McComb.

"Oakes Ames' list of names as showed to me to-day for Credit Mobilier: Blaine, of Maine, 3,000; Patterson, New Hampshire, 3,000; Wilson, Massachusetts, 2; Painter, reporter for Inquirer, 3; S. Colfax, Speaker, 2; Elliott, Massachusetts, 3; Dawes, Massachusetts, 2; Boutwell, Massachusetts, 2; Bingham and GARFIELD, Ohio; Scofield and Kelley, Pennsylvania; Fowler, Tennessee. February. 1 1868."

#### WE WANT MORE FRIENDS IN CONGRESS.

WASHINGTON, February 22, 1878.

Dear Sir: Yours of the 21st is at hand; am glad to hear that you are getting along so well with Mr. West; hope you will bring it out all satisfactory, so that it will be so rich that we cannot help going into it. I return you the paper by mail that you ask for. You ask me if I will sell some of my Union Pacific Railroad stock. I will sell some of it at par Credit Mobilier of America. I don't care to sell. I hear that Mr. Bates offered his at \$300, but I don't want Bates to sell out. I think Grimes may sell a part of his at \$350. I want that \$14,000 increase of the Credit Mobilier to sell here. We want more friends in this Congress, and if a man will look into the law (and it is difficult to get them to do it unless they have an interest to do so), he cannot help being convinced that we should not be interfered with. Hope to see you here or at New York the 11th.

Yours truly,

OAKES AMES.

H. S. McComb, Esq.

(See Report Poland Com., pp. 4, 5, 6, 7.)

#### THE RELATIONS OF THE CREDIT MOBILIER TO THE UNION PACIFIC EXPOSED IN MARCH, 1868.

It is important to observe that Henry S. McComb swears that on February 1st, 1868, Oakes Ames showed him a list of names of members of Congress to whom he had assigned Credit Mobilier stock. This proves that prior to that date, Ames had sold to Gen. Garfield ten shares of the stock of the Credit Mobilier. Immediately thereafter the true character of the Union Pacific Railroad enterprise; the existence of the Credit Mobilier; its connection with the Union Pacific Railroad; the enormous profits its stockholders were realizing from the construction of the railroad, and the suit of McComb against Oakes Ames and others, for a part of these profits, were made known in the House and in the Senate.

On March 12, 1868, the following debate occurred in the House of Representatives, on the Washburne resolution, which Ames, in his letter to McComb of January 30, 1868, refers to as Washburne's move. This was a joint resolution to regulate the tariff for freight and passengers on the Pacific Railroads (see *Congressional Globe*, vol. 66, page 1861).

The next business lying over under the rules was House joint resolution No. 168, to regulate the tariff for freight and passengers on the Union and Central Pacific Railroads and their branches, introduced by Mr. Windom, January 20, 1868.

Mr. Garfield: I move to refer it to the Committee on the Post Office and Post Roads, and call the previous question.

Mr. Washburne, of Illinois: I hope the House will not second the previous question. Let us have a square vote and see who is in favor of this resolution.

Mr. Dawes: We had a square vote the other day.

Mr. Washburne, of Illinois: And the gentleman was with the monopolists. [Laughter.] (See vote on Dawes' resolution, page 21.)

On seconding the previous question there were—ayes 52, nays 51.

Mr. Washburne, of Illinois: I demand tellers.

Tellers were ordered; and the Chair appointed Messrs. Garfield and Woodward.

Mr. Allison: Let the joint resolution be reported in full.

The Speaker: The clerk not expecting this business to be reached to-day, the joint resolution is not here; it is on the files at the clerk's office.

Mr. Garfield: I think it is very proper, therefore, to have it referred.

Mr. Washburne, of Illinois: It is a resolution that ought to be passed.

The House divided; and the tellers reported—ayes 42, nays 54.

So the previous question was not seconded.

The Speaker: The clerk will now report the joint resolution.

It was read.

Mr. Washburne, of Illinois, demanded the previous question.

Mr. Van Horn moved to lay the resolution on the table.

Mr. Hooper, of Massachusetts, called the yeas and nays; and they were ordered.

The vote on laying on the table stood—yeas 53, nays 70, not voting 66.

So the House refused to lay the bill on the table.

The Speaker: The morning hour has expired, and the bill goes to the Speaker's table.

March 20, 1868 (see *Globe*, vol. 66, p. 2029)—The resolution was again in order, and Mr. C. C. Washburn, of Wisconsin, addressed the House. The following are extracts from his remarks, as printed in *Globe*, vol. 67, pp. 269-98, Appendix:

## GREAT EXAGGERATION ABOUT COST OF PACIFIC RAILROADS.

Mr. Washburn, of Wisconsin: There is great exaggeration about the difficulties attending the building of these Pacific railroads. If gentlemen want information I will give it to them. I will give the gentleman from Iowa (Mr. Dodge), the very able and distinguished engineer of the road, some of his own figures. I will refer to his report of 1868.

It was asserted in Congress in 1864 that there were miles of this road that would cost \$500,000 per mile to build. Here is my friend's own report made in 1868. The table of grades shows upon the line from Omaha to the eastern line of California, a distance of one thousand six hundred and twenty-two and a half miles: of dead level ground, two hundred and seventy-two miles; from level to twenty feet per mile, six hundred and sixty-five miles; ranging from twenty feet to forty feet, three hundred and forty-three miles; from forty to sixty feet per mile, ninety-six miles; from sixty to eighty feet per mile, eighty-one miles; from eighty to one hundred feet per mile, forty-five miles; from one hundred to one hundred and sixteen feet per mile, thirty-seven miles.

Such are the grades of this Pacific road as determined by their own engineers. The almost impassable mountains of which "Pathfinders" and others give such marvellous accounts, when brought to the unerring test of the engineer's level, dwindle into insignificance. And I think I can safely assert here that there is no sixteen hundred miles of road running in any given direction in the United States that show such easy grades as from Omaha to the line of California. There was much difficulty in determining where the base of the Rocky Mountains was, but it was finally determined in the level valley of the Platte river at Crow Creek crossing, and from that point to the summit of the mountains the distance is only between thirty-one and thirty-two miles, although we give them a subsidy of \$48,000 per mile for one hundred and fifty miles at this point of the road.

## IT COULD BE BUILT FOR THE GOVERNMENT SUBSIDY.

Now, sir, I have asserted that this road can nearly or quite be built with the government subsidy. The first five hundred miles are nearly a dead level. I am assured by gentlemen who have traveled over the route that up to the base of the Rocky Mountains it is a dead level, so that the sleepers are laid down for miles and miles on the naked soil without any grading, only a ditch on each side.

There cannot be a shadow of doubt that your subsidy in bonds will nearly or quite build and equip the road, for this part of the line at least, with the vast grant of lands thrown in.

I have always said that this road could be built for the government subsidies, and I reiterate that, provided it is built as other roads are built, by contracting with the lowest bidder. To make the road cost the stockholders no more than absolutely necessary, and at the same time to make it represent a nominal cost that would relieve the stockholders from the appearance of not putting in money of their own, and also to relieve them from the ten per cent. dividend proposition, they resort to a device unheard of before in this country.

## WASHBURNE TELLS OF THE CREDIT MOBILIER.

The stockholders in the Pacific road are few in number. They could easily have made a contract with themselves for the building of the road, without bids or advertisements of any kind. They could have agreed to have paid themselves one or two hundred thousand dollars per mile, and swelled the nominal cost to such a figure as to neutralize the ten per cent. proviso in regard to earnings. But would such a transaction have been regarded as an honest or legitimate and straightforward one, and binding on the government? Clearly not. Would a transaction which amounts to precisely the same thing, arrived at an indirect manner, be any more honorable and straightforward or binding on the government? Instead of contracting for the construction of the road as all other roads have been built, what do they do? A, B, C, and D are the stockholders of the company. A, B, C, and D, under a charter from the State of Pennsylvania, organize themselves into a company called the *Credit Mobilier* of America. A, B, C, and D, stockholders, enter into a contract with the *Credit Mobilier* to build this road at fabulous prices, and the *Credit Mobilier* let out the contract at the lowest figure at which the road can be built, making a clear profit of the difference between the price at which the contract is taken and the price actually paid to those who do the work, a sum I am assured that will not fall short of many, many million dollars. It will readily be seen from this that the company practically contracts with itself to build the road, and that the enormous figures they exhibit as representing the cost of the road are absolutely fictitious."

March 25, 1868 (see *Globe*, volume sixty-seven, pp. 2109, 2113), the resolution was again in order and was debated at length. Mr. Price answering Mr. Washburne, and Messrs. Garfield, Scofield, and Dawes took part in the proceedings. Mr. Price moved to refer the resolution to the Pacific Railroad Committee, and demanded the previous question. Pending the previous question the House adjourned.

March 26, 1868 (see *Globe*, volume sixty-seven, p. 2129), the subject was resumed. Mr. Washburne, of Illinois, asked further time for debate, as there was no quorum. This was resisted, and Mr. Washburne moved a call of the House; and upon division there were—ayes 33, noes 55; no quorum voting. Tellers were ordered, and announced—ayes 40, noes 61. Mr. Washburne demanded the yeas and nays, and they were ordered; and on a motion for a call of the House there were—yeas 45, nays 86, not voting 58.

Among the yeas were Messrs. C. C. Washburn and E. B. Washburne.

Among the nays, Messrs. Atkinson, Ames, Bingham, Boutwell, Dawes, Dodge, Eliot, Hooper, Kelly, Scofield, Twichell and James F. Wilson.

Among those not voting, Messrs. Blaine, Brooks, and Garfield.

The previous question was seconded, and on ordering the main question on referring the resolution, the yeas were 73, the nays 54, not voting 62.

Among the yeas were Messrs. Allison, Ames, Bingham, Boutwell, Dawes, Dodge, Eliot, Hooper, Kelley, Twichell, and James F. Wilson.

Among the nays, Mr. E. B. Washburne.

Among those not voting, Messrs. Blaine, Brooks, Garfield, and Scofield.

So the main question was ordered.

And thereupon the following proceedings occurred:

Mr. Holman; I rise to a privileged question. I make the request that under the twenty-ninth



rule of the House the gentlemen who are interested in the result of this question may be permitted to withdraw their votes. If it be proper I make that point now.

The Speaker :

#### THAT POINT CANNOT BE MADE

during a roll-call, as the gentleman from Indiana is aware.

Mr. Holman: Must it be made before the roll-call?

The speaker: It must; it cannot be made while the roll-call continues, and the roll-call continues until the Chair announces the result. Otherwise there might be roll-calls within roll-calls, the yeas and nays being ordered on the questions arising under the point of order.

The vote was then announced as above recorded.

The question recurred on the motion to refer to the Committee on the Pacific Railroad.

Mr. Washburne, of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. Washburne, of Illinois: I ask that this vote shall be considered as a test vote on this question. Those in favor of the resolution will vote—

Mr. Price: I call the gentleman to order.

The Speaker: Debate is not in order.

Mr. Holman: I now rise for the purpose of asking the clerk to read the twenty-ninth rule of the House.

The clerk read as follows:

No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put.

The question was taken; and it was decided in the affirmative—yeas 83, nays 49, not voting 57.

Among the yeas, Messrs. Ames, Bingham, Bontwell, Dawes, Dodge, Eliot, Hooper, Twichell, and James F. Wilson.

Among the nays, Messrs. Holman, and C. C. Washburn and E. B. Washburne.

Not voting, Messrs. Blaine, Brooks, Garfield, and Scofield.

So the resolution was referred to the Committee on the Pacific Railroad, and Mr. Wilson, of Iowa, moved to reconsider and lay on the table; which was done.

#### WASHBURNE STILL MORE FULLY EXPOSES THE GREAT FRAUD.

The resolution to regulate freight and passenger tariff on the Pacific railroads having been referred, as above stated, to the Committee on the Pacific Railroads, which was constituted entirely in the interest of these corporations, Mr. E. B. Washburne, in order to have an opportunity to more fully expose the character of the corporations and individuals which were being enriched out of the government subsidies, called up a motion, submitted on the 26th of February by Mr. Washburne, of Wisconsin, to reconsider the vote by which the letter of the Secretary of the Treasury relative to the Union Pacific Railroad was ordered to be printed. This gave Mr. E. B. Washburne and Mr. C. C. Washburne an opportunity to speak. Mr. Washburne, of Illinois, reviewed at length the resolution of 1864, quoting liberally from a speech made by him at the time that bill was pending, and showing under what circumstances it passed the House.

He said :

No gentleman who was here at that time will ever forget the extraordinary scene which was presented. The lobby mustered in its full force. I saw nothing here of the shameful means which it is alleged were used in a confidential way to carry through this bill; but I do say that the scene was one of the most exciting and animated that I have ever witnessed, in a service of nearly 16 years. The galleries were packed with people interested in the measure; by lobbyists, male and female; by slysters and adventurers, hoping for something to turn up.

Your gilded corridors were filled with lobbyists who broke through the rules and made their way upon the floor and into the seats of members. I undertook to show by the Senate document, which I held in my hand, the amount of the liability for bonds issued and interest thereon, after the law for the purpose of building the Pacific Railroad, would be \$95,088,000, but which document I am advised somewhat overstates the amount as the estimate was made upon a greater number of miles than the real length of the road. In my speech on that occasion I compared the different sections of the original law of 1862 with the modification proposed by the Act of 1864, which we were then considering.

Mr. Washburne then proceeds in his speech to quote what he stated in 1864; how he moved to strike out all of the bill of 1864, that part which subordinated government liens, and made its bond a second mortgage in the property of the railroad. He quoted the yeas and nays by which his proposition was rejected. They were as follows :

Yeas—Messrs. Ancona, Arnold, Bailey, John D. Baldwin, Bontwell, Cobb, Creswell, Dawson, Denison, Eden, Edgerton, Farnsworth, Hale, Harding, Harrington, Herrick, Holman, William Johnson, Orlando Kellogg, Kernan, Law, Marey, McDowell, Morrison, Nelson, John O'Neil, Orth, Rogers, Edward Scofield, Sloan, Spalding, Stiles, Thayer, Tracy, Opson, Elihu B. Washburne, and Joseph W. White—38.

Nays—Messrs. Allison, Ames, Anderson, Ashley, Baxter, Beaman, Blaine, Blair, Blow, Boyd, Brooks, Broomall, Ambrose W. Clark, Cole, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Eldridge, Eliot, English, Finck, Gooch, Griswold, Benjamin G. Harris, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulbard, Julian, Kelley, Francis W. Kellogg, Knapp, Knox, Le Blond, Littlejohn, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Mider, Morrill, Daniel Morris, James R. Morris, Amos Myers, Leonard Myers, Noble, Norton, Charles O'Neil, Perham, Pomeroy, Price, Samuel J. Randall, John H. Rice, James S. Rollins, Ross, Schenck, Scott, Shannon, Smithers, John B. Steele, William G. Steele, Stevens, Stuart, Sweat, Van Valkenburgh, Ward, William B. Washburn, Webster, Whaley, Wheeler, Williams, Wilson, Windom, Winfield, and Benjamin Wood (*Congressional Globe*, vol. 53, page 3,244).

He also quoted the yeas and nays on the passage of the bill, which were as follows:

Yeas—Messrs. Allison, Ames, Ashley, Augustus C. Baldwin, Beaman, Blaine, Blair, Blow, Brandegee, Brooks, William G. Brown, Ambrose W. Clark, Coffroth, Cole, Creswell, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Eliot, English, Fenton, GARFIELD, Griswold, Hale, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Hulbard, Jenckes, Julian Kalbfleisch, Orlando Kellogg, Knox, Littlejohn, Loan, Longyear, Marvin, McBride, McClurg, Moorhead, Morrill, Morrison, Amos Myers, Noble, Odell, Charles O'Neill, Patterson, Perham, Pomeroy, Price, John H. Rice, Ross, Schenck, Shannon, Sloan, Smithers, John B. Steele, William G. Steele, Stevens, Stuart, Sweat, Thayer, Upson, Webster, Wilson, Windom, and Benjamin Wood—70.

Nays—Messrs. Ancona, Bailey, Bliss, Boutwell, Chandler, Dawson, Denison, Eden, Edgerton, Gooch, Grider, Harding, Harrington, Benjamin G. Harris, Holman, Philip Johnson, Kernan, Knapp, Law, Le Blond, Mallory, Marcy, McDowell, McKinney, John O'Neill, Orth, Radford, Robinson, Rogers, Edward H. Rollins, Scofield, Styles, Thomas, Elihu B. Washburn, William B. Washburn, Chilton A. White, Joseph W. White, and Fernando Wood—38.

#### WASHBURNE TELLS WHO VOTED FOR THE ACT OF 1864.

Mr. Washburne then said :

The members of the present Congress who voted for the bill were as follows : Allison of Iowa, Ames of Massachusetts, Ashley of Ohio, Baldwin of Massachusetts, Beaman of Michigan, Blaine of Maine, Brooks of New York, Dawes of Massachusetts, Dixon of Rhode Island, Donnelly of Minnesota, Eliot of Massachusetts, Garfield of Ohio, Griswold of New York, Higby of California, Hooper of Massachusetts, Hubbard of Iowa, Jenckes of Rhode Island, Julian of Indiana, Loan of Missouri, Marvin of New York, McClurg of Missouri, Moorhead of Pennsylvania, O'Neill of Pennsylvania, Perham of Maine, Pomeroy of New York, Price of Iowa, Ross of Illinois, Schenck of Ohio, Stevens of Pennsylvania, Upson of Michigan, Wilson of Iowa, and Windom of Minnesota.

Those members of the present Congress who voted in the negative were as follows : Boutwell of Massachusetts, Chanler of New York, Holman of Indiana, Orth of Indiana, Scofield of Pennsylvania, Washburne of Illinois, Washburn of Massachusetts, and Fernando Wood of New York.

The bill then went to the Senate and came back with amendments, upon which a Committee of Conference was ordered. On the 1st of July the Committee of Conference reported, bringing up such new matter as would, in my opinion, be in violation of every rule which governs Committees of Conference in legislative bodies. Gentlemen, by turning to the *Globe*, volume fifty-three, page 2480, will see that the new matter so introduced covers nearly a page of nonpareil. And this report, changing so materially the bill as acted upon by the House and Senate, was gagged through; the opponents of the measure were not permitted to have it printed and postponed so that they could see what it was. I struggled in vain for the printing of the report, and for its delay until the members of the House could have an opportunity of reading it; but the gentleman from Pennsylvania (Mr. Stevens) demanded the previous question, which was seconded and the main question ordered to be put; and it would seem incredible that in a matter of legislation involving interests so vast and pledging amounts of money so enormous, even the yeas and nays were refused—that even tellers were refused. I read from the proceedings as reported in the *Globe*, volume fifty-three, page 3481 :

"Mr. Washburne, of Illinois, demanded the yeas and nays; on agreeing to the report; and tellers upon the yeas and nays.

"Tellers were not ordered, and the yeas and nays were not ordered.

"Mr. Washburne, of Illinois, demanded tellers on agreeing to the report.

"Tellers were not ordered.

"The report was agreed to."

Thus ends the story of the action of the House touching this extraordinary legislation, which will go into the history of the country.

#### FURTHER DISCUSSION IN 1868.

On March 12th, 1868, the Committee on Pacific railroads reported back a substitute for Washburne's resolution which had been referred to it on March 26th, 1868. This substitute provided that the government should not attempt to regulate the freight and passenger tariffs on the Pacific railroads until they were completed, and provided further also that the charges for freight should never be reduced below 8 cents per mile for freight and 6 cents per mile for passengers.

In discussing this proviso Mr. Van Wyck of New York said :

Now, what do we see from the company's report? That a road eleven hundred miles in length, by their own report, is to be built, which will cost, with all their fabulous prices for construction, \$82,000,000. That is the cost according to their report. And then they show what they have to build this road with. They have of the United States bonds, \$29,000,000; of first mortgage bonds,



\$29,000,000; of capital stock paid in, \$8,000,000; of land grants, fourteen millions eight hundred thousand acres, which at \$1.50 per acre, amounts to \$21,000,000, making in all \$88,000,000.

Now, mark, they say the cost of eleven hundred miles is \$82,000,000, and yet they have \$88,000,000 to build it. So they will have \$6,000,000 more in their treasury when the road is completed than they have resources to build it. Of that \$88,000,000, \$8,000,000 is money which they have put in their hands for building the road; so that when it is finished they will have paid out, according to their own figures, only \$2,000,000 to build it.

But this road does not cost \$82,000,000. These gentlemen have made contracts with themselves, whereby they pay double the amount to build the road that it ought to cost. They have contracted to build it for the first five hundred miles at \$50,000 per mile; and the government commissioners, who certainly are not unfriendly to these parties, in speaking of this matter, dated July 8, 1865, say:

"In October, 1864, when we assumed the duties of our appointment, we found that in the months of August and September previous a contract had been arranged and consummated by the executive committee, in which are vested the powers of the board when not in session, for the construction and equipment of the first one hundred miles of the road west of the Missouri river at the rate of \$50,000 per mile, payable \$5,000 per mile in the stock of the company, and the balance in the currency bonds of the government and the securities of the company. From the first the contract price appeared to us to be very high. At present, with the probable decline in the cost of labor and materials, and advance in the value of government bonds, it seems extravagant."

Another commissioner reports, on the 26th of August, 1865, that the balance of the five hundred miles could be built at a small cost compared with the rate at which the first one hundred miles were contracted. And yet \$50,000 per mile has been paid for building the road, which could not have cost over \$25,000.

The eastern division, a more expensive road, cost less than \$30,000 to build it. The Atchison branch has cost less than that.

#### MR. VAN WYCK SAID THAT THE CREDIT MOBILIER WAS A RING TO ROB THE GOVERNMENT.

These men, then, do not go outside of their own corporation to make contracts. They have created a Credit Mobilier. They have created a ring inside the corporation. Look. In 1864 there were one hundred and twenty-five stockholders in this Pacific Railroad, holding two thousand shares of stock. In January, 1866, there were one hundred and twenty-three stockholders, holding twenty-eight thousand shares of stock. In the report which these gentlemen were required to make they named the stockholders and the amount of stock held. In the last report the number of stockholders had dwindled down to fifty-three, and they do not state the number of shares they own. Only fifty-three stockholders, a year and a half ago, owning a road representing \$100,000,000 of capital! It takes twenty of these stockholders to make a directory, so that you have thirty outside. Sir, they have demonstrated that the obstacles in the way of the construction of this road have passed away. The company is now drawing a triple subsidy of \$96,000 a mile for building what was said to be the most "difficult and mountainous" part of the road. From the foot of the Black Hills, which are claimed to be the base of the Rocky Mountains, they run about forty-five miles and then strike the Laramie plain and run one hundred miles almost on a level, and on these one hundred and fifty miles they are receiving the triple subsidy.

Mr. Johnson, of California: The Central Pacific division of that great road is now charging the people of the State of California fifteen cents a mile for freight, and ten cents a mile for passengers.

Mr. Washburne, of Illinois: In gold?

Mr. Johnson, of California: In gold. The net proceeds of that road, which is about ninety miles in length, were last year nearly one million and a half dollars. In a very short time that road, like a mighty vortex, will drink up all the wealth of our new and growing state. Now, Mr. Speaker, if there is any honest intention on the part of this House to protect our people against this oppression, I ask that the demand for the previous question be voted down, and allow this amendment to be made, restricting this corporation, and not leaving them the latitude of the four winds.

Mr. Clarke, of Kansas: At the moment the merchants of the city of Topeka are transporting their freight by oxen and horse teams to the city of Leavenworth—a distance of forty-five or fifty miles—instead of sending it by railroad—

#### END OF A BRAVE CONTEST FOR THE RIGHT.

After further debate the following votes were taken, May 12, 1868 (see *Globe*, vol. 67, pp. 2428-29).

On Mr. Farnsworth's motion to recommit, the yeas were 62, nays 59, not voting 58.

Among the yeas, Messrs. Ames, Brooks, Dodge, Eliot, Hooper, Kelly, Scofield, and Twichell.

Among the nays, Messrs. Allison, Blaine, Butler, Garfield, and James F. Wilson.

Among those not voting, Messrs. Bingham, Boutwell, Dawes and C. C. Washburne.

The next question was on motion to amend the substitute by striking out the proviso, on which the yeas were 75, nays 48, not voting 66.

Among the yeas were Messrs. Holman and E. B. Washburne.

Among the nays, Messrs. Allison, Ames, Brooks, Butler, Dodge, Eliot, Garfield, Hooper, Scofield, Twichell, and James F. Wilson.

Among those not voting, Messrs. Bingham, Blaine, Boutwell, Dawes and Kelly.

And thereupon a further amendment was adopted and the substitute for the resolution passed without division.

It went to the Senate, was referred to the Committee on the Pacific Railroad, and there it "slept the sleep that knows no waking."

Thus was begun, prosecuted, and ended one of the bravest contests ever made for the rights of the people.

#### THE PROFITS OF THE CREDIT MOBILIER.

Up to this time the Credit Mobilier had received the profits in the construction of the Union Pacific Railroad through the original Hoxie contract, which were

\$5,168,233.91. In addition it received \$1,104,000, which was paid to the concern under resolution of January 5, 1867 (*see pages 6, 7 and 8, Wilson Report, Credit Mobilier Investigation*). Also the profits from the Oakes Ames contract, amounting to \$29,854,141.99.

This brings us to November 1, 1868. We have shown from the *Congressional Globe* that General Garfield must have been familiar at this time with the true character of the Credit Mobilier and its connection with the construction of the Union Pacific Railroad.

On November 1, 1868, a contract was made with James W. Davis to construct the remainder of the Union Pacific Railroad from the point where the Oakes Ames contract left off to the junction with the Central Pacific Railroad. The report of the Wilson Credit Mobilier Committee (*see Report No. 78, H. R., 42d Congress, 3d session, pages 13 and 14*) says of the Davis contract:

This was a contract made with J. W. Davis, a man of little, if any, pecuniary ability (and not expected to perform the contract), for the construction of that part of the road beginning at the western terminus of the "Ames contract" and extending to the western terminus of the road, a distance of one hundred and twenty-five and twenty-three one hundredths miles. It was upon the same terms as the Ames contract, and was assigned to the same board of trustees.

Under it the remainder of the road was constructed, and from a balance-sheet taken from the books of the railroad company, it appears that the cost to the railroad company was.....\$23,431,768 10  
And from a balance-sheet taken from the books of the trustees, that the cost to the contractor was.....15,629,633 62

Your committee present the following summary of the cost of this road to the Railroad Company and to the contractors, as appears by the books:

#### COST TO THE RAILROAD COMPANY.

Hoxie contract.....	\$12,974,416 24
Ames contract.....	57,140,102 94
Davis contract.....	23,431,768 10
Total.....	\$93,546,287 28

#### COST TO THE CONTRACTORS.

Hoxie contract.....	\$7,806,188 33
Ames contract.....	27,285,141 99
Davis contract.....	15,629,633 62
	50,720,958 94

	\$42,825,328 34
To this should be added amount paid Credit Mobilier, on account of 58 miles.....	1,104,000 00

Total profit on construction.....	\$43,925,328 34
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The balance-sheets, from which the foregoing results have been obtained, were made out by Mr. Crane and Mr. Ham, accountants familiar with the books and with most of the transactions. Your committee have earnestly endeavored to get the exact cost of the road to the company and to the contractors, and if they have failed it is because those who should know and have had the opportunity to inform the committee have failed to give the information. The books have been kept in such a way, and the transactions have been of such a character, as that their true nature has been very much disguised.

#### THE RING COMES TO CONGRESS AGAIN FOR PROTECTION.

It was known to everybody in the country who took any interest in these matters, and as we have shown, to every member of Congress, Gen. Garfield included, that the men interested in the Union Pacific Railroad were making enormous profits by building it through the medium of the Credit Mobilier of America. The notorious Jim Fisk and his associate Jay Gould, had obtained some sort of an interest in the Union Pacific Railroad and wanted to force themselves into the Oakes Ames ring. They began proceedings in the New York courts, and Judge Barnard issued various injunctions and restraining orders to compel the Union Pacific Railroad Company and the Credit Mobilier of America to state accounts, and all interested with Ames were dreadfully frightened. Nothing could save them from a frightful exposure but Congressional legislation. Accordingly they came to Congress for relief. It was natural that they should come there, for Ames, as he had said in his letter to McComb, had placed the stock of the Credit Mobilier, "*where it will produce most good to us, I think.*"



On March 15th, 1869, Mr. Bingham, of Ohio, Chairman of the Judiciary Committee and one of the members of the House to whom Ames had given Credit Mobilier stock, asked unanimous consent to introduce the following joint resolution:

*Joint resolution for the protection of the interests of the United States in the Union Pacific Railroad Company and for other purposes.*

Whereas, the proceedings of the regular annual meeting of the stockholders of the Union Pacific Railroad Company, convened in the city of New York on the 10th day of March, 1869, were interrupted by an *ex-parte* injunction, issued by a Justice of the Supreme Court of the state of New York, before the business of said meeting was concluded and before the time for closing its proceedings; and

Whereas The government of the United States is largely interested in the proper management of the affairs of said company, and in a strict observance and proper administration of the laws organizing and governing the same; and

WHEREAS, Important legal questions may arise as to the validity of the acts of the meeting interrupted as aforesaid; therefore

BE IT RESOLVED, *By the Senate and House of Representatives of the United States in Congress Assembled*, That the said meeting of the stockholders of said company mentioned in the preamble of this resolution, be and the same is hereby declared to have been lawfully convened and organized, and that the resolution adjourning the same, to meet in the city of Washington, on Thursday, the 10th day of March, 1869, and fixing the city of Boston as the place for holding the annual meeting of the stockholders, for the year 1870, be and the same is hereby declared valid, and of full legal force; and the said stockholders who convene in said adjourned meeting, in the city of Washington as aforesaid, or in any adjourned meeting thereto to be held within one month at Washington or Boston, are hereby required to elect a Board of Directors for said Company for this year, and after their successors shall have been elected and qualified, they may then transact such other business as they are required to do, or may lawfully do; and every stockholder at such meeting shall be entitled in person, or by proxy, to cast one vote for each share of stock lawfully held by him and standing in his name on the books of the company on the first day of March, 1869; and in all proxies given to be used at the said meeting of the tenth of March, 1869; which were given on or since the first day of September, 1868, and none other shall be good and valid at the adjourned meeting to be held on the 18th day of March, 1869, and at any adjourned meeting thereof, and may be used thereat with the same effect as they could have been used at the meeting of the 10th of March, 1869; but nothing in this resolution shall be construed to effect or limit the right of any stockholder who has given any proxy to vote his stock in person, or his right to revoke his proxy, by giving one of a later date, or otherwise; but the right of any stockholder then to vote for himself, or to so revoke his proxy previously given, is hereby fully confirmed and established.

*Provided further*, That on the election of the directors herein provided for, the term of office of all persons then acting or claiming the right to act as directors of the said company, except the government directors, shall cease and terminate.

*And provided further*, That the Board of Directors of the Union Pacific Railroad Company shall have power, whenever in their judgment the interests of the company or of the government of the United States may require it, to remove the general office of said company and all the books, papers and effects from the city of New York to either of the cities of Boston, Philadelphia, Cincinnati, Chicago, St. Louis, Council Bluffs, or Omaha, and in no manner shall a free exercise of said judgment to remove be restrained:

*Provided further*, That no court, other than the United States Circuit or District Court, shall have power or jurisdiction to enjoin any of the acts in this resolution, authorize or appoint a receiver for or on account of any of the rights, property, assets, and effects or interests of the said Union Pacific Railroad Company in any case in which the defense rests on the constitution or any law or treaty of the United States; and all actions in any court, so far as in conflict with this clause of the resolution, shall, upon the application of the said Union Pacific Railroad Company or any person interested therein as a bona fide stockholder, be removed to the United States District or Circuit Court having jurisdiction in the district within which said action or actions may arise, which said application to remove may be made directly to said United States District or Circuit Court, and the joining of other parties to the said company shall not affect the right of said Company to remove such application or its right to have such cause or causes removed as aforesaid.

*And provided further*, That the annual meeting of the stockholders of the said Union Pacific Railroad Company, after the meeting provided for, as aforesaid, to be held in the city of Boston in the year 1870, may be held either in the cities of Boston, Baltimore, Philadelphia, Washington, Cincinnati, Chicago, Omaha, or St. Louis, as may be determined by the said stockholders at the next preceding annual meeting.

## HOW THE RING WAS PROTECTED.

It will be observed that this joint resolution, among other things, legalized the proceedings of the director's meeting at New York, which had been broken up by an injunction issued by Judge Barnard, restraining the officers and directors of the Union Pacific Railroad Company from holding such a meeting. It will also be observed that it was provided that an adjourned meeting of the directors might be held in the city of Washington, which, under the charter of the railroad company, would not have been possible without this special legislation. It will also be further observed that this resolution in effect placed the Union Pacific Railroad corporation on wheels, and allowed it to be run about the country as Oakes Ames and the principal managers of it might deem expedient, in order to avoid legal process issued on the petition of bona fide stockholders whom they were defrauding through the Credit Mobilier of America. At this very time the officers of the Union Pacific Railroad Company and of the Credit Mobilier of America were hiding in out-of-the-way places to avoid legal process. The books of these two companies had been in defiance of the restraining order of the Supreme Court of the state of New York, abstracted from the company's offices and carried first to New Jersey, thence to Philadelphia, and subsequently to the city of Boston. Moreover, as was proven in the two investigations ordered by the House of Representatives at the third session of the Forty-second Congress, some of the most important books of the Credit Mobilier Company were lost or pretended to be lost during the time they were being carried about the country, and to this day the officers of this company aver that they do not know of their whereabouts; and still further during this time \$500,000 belonging to the Union Pacific Railroad Company, part of them being the bonds indorsed by the government, and the balance the first mortgage bonds of the railroad company, were lost and have never been accounted for, although it has been shown by competent testimony that the interest on a portion of these bonds is regularly drawn by some of the officers of the railroad company.

When the resolution above quoted had been read in the house on March 15, 1869—

Mr. Axtell of California said: I object to the consideration of the joint resolution.

Mr. Bingham: I move to suspend the rules in order to introduce the joint resolution.

Mr. Wood: Mr. Speaker, I doubt whether the House understands this resolution.

Mr. Bingham: I object to debate.

The question being put on suspending the rules there were—ayes 90; nays 47.

Mr. Bingham: I call for tellers.

Tellers were ordered, and Messrs. Bingham and Axtell were appointed.

The House divided and the tellers reported—ayes 96; nays 28.

So, two-thirds having voted in favor thereof, the rules were suspended.

The joint resolution (H. R. No. 6), for the protection of the interests of the United States in the Union Pacific Railroad, and for other purposes, was read a first and second time, was ordered to be engrossed and read a third time, and being engrossed it was accordingly read a third time.

Mr. Bingham: I demand the previous question on the passage.

Mr. Wood: Is it now in order to refer the resolution to the Committee on the Pacific Railroads?

The Speaker: It is not. If the previous question is not sustained, the Chair will then entertain that motion.

The previous question was seconded and the main question ordered.

Mr. Wood: I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken and decided in the affirmative. Yeas 99, nays 32; not voting 66.

Among those who voted in the affirmative, were, Ames, Banks, Bingham, Dawes, Garfield, Kelly, and Scofield.

## THE CREDIT MOBILIER IN THE SENATE.

The resolution having passed the House, it went to the Senate. When it came up there for debate, Mr. Stewart of Nevada, in the course of a remarkable speech said:

Mr. President: This extraordinary measure must have emanated from some extraordinary set of facts. Here is a great corporation, in the first place, asking Congress to place it on wheels—to send it all over the country. In the next place, it asks Congress to exempt it from the jurisdiction of the courts, and confer upon it special privileges. If there is anything clear in law, if there is any rule of law that has been determined since the foundation of the government, it is that a



corporation, no matter whether the government holds stock in it or not, is subject to all the incidents of every other corporation. It was claimed on the part of the United States Bank, that because the government of the United States was the largest stockholder, it could be taken out of the state courts; that it could be endowed with certain extraordinary privileges; but Chief Justice Marshall took hold of that question and laid down the law in a manner that has never been doubted until now.

By this resolution the House of Representatives proposes to endow the Union Pacific Railroad with rights above all the laws of the states, and not only that, but to allow it to travel all over the United States; to give it a roving mission and to liberate it from the jurisdiction of the state courts. If the government of the United States can establish such a corporation for one purpose they can for all purposes, and you have no United States at all. The power exists in the general government to carry on everything by one corporation if this resolution be constitutional.

#### EXTRAORDINARY LEGISLATION FOR THE BENEFIT OF THE UNION PACIFIC ROAD.

Why are we called upon for this extraordinary legislation? Since the formation of the Union Pacific Railroad Company we have given it some legislation in this direction. We passed a joint resolution when they had another election up. The Union Pacific Road got into difficulty in 1867, and they came to Congress for relief and Congress passed this resolution.

*"Be it resolved, etc.,* That the time of holding the annual meeting of the stockholders of the Union Pacific Railroad Company for the choice of directors is hereby changed from the first Wednesday in October to the first Wednesday after the fourth day of March, and the stockholders are authorized to determine the place at which such annual meeting shall be held at the last annual meeting of the stockholders' meeting preceding such annual meeting: *Provided* the same shall be held in either of the cities of New York, Washington, Boston, Baltimore, Philadelphia, Cincinnati, Chicago, or St. Louis; and provided further that on the election of directors herein provided for to take place in March, A. D. 1868, the terms of office of all persons then acting or claiming the right to act as directors of said company shall cease and terminate."

(This is the same resolution that Mr. Dawes passed through the House of Representatives, 16th of December, 1867, the proceedings in regard to which have heretofore been given).

Mr. Stewart further called attention to a remarkable act of Congress which was passed in July, 1868, at the solicitation of the Pacific Railroad Ring. This was the time their first litigation began in New York.

#### SENATOR STEWART TELLS ALL ABOUT CREDIT MOBILIER.

Mr. Stewart said: They got into law suits and then came to Congress in July, 1868, and said somebody was going to eat them up directly unless they could get a law passed to take them out of these horrid state courts; and in the last days of the session of Congress did actually pass the following very remarkable law, the constitutionality of which is very doubtful:

*"That any corporation or member thereof, other than a banking corporation organized under a law of the United States and against which a suit at law or equity has been or may be commenced in any court other than a Circuit or District Court of the United States for any liability or alleged liability of such corporation, or any member thereof, as such member, may have such suit removed from the court in which it may be pending to the Circuit or District Court of the United States, upon filing a petition therefor, certifying by oath either before or after issue joined, stating that they have a defense arising under or by virtue of the Constitution of the United States, or of any treaty or law of the United States, and giving good and sufficient surety for entering in any such court. On the first day of its session copies of all proceedings, pleadings, depositions, testimony and other proceedings in said suit shall be entered, and doing such other proper acts as are required to be done by the act entitled 'An act for the removal of causes in certain cases from state courts, approved July 27, 1866,' and it would be the duty of the Court to accept the surety and proceed no further in the suit; and the said copies being entered, as aforesaid, in such court of the United States, the suit shall then proceed in the same manner as if it had been brought there by original process; and all the provisions of said act in this section referred to respecting any bill, attachment, delay, injunction, or other restraining process, and respecting any bonds of indemnity of other allegations given upon the issue or granting of any attachment, injunction or other restraining process, shall apply with like force and effect in all respects to similar matter, process or things, in the suits for the removal of each, which the act provides."*

#### A REMARKABLE DOCUMENT—MORE REVELATIONS.

This was passed at the instance and for the benefit of the Union Pacific Railroad Company. Now, why are they in these difficulties? I have in my hand a paper which will illustrate the beginning of this trouble. As they are calling upon Congress for this extraordinary legislation, I desire to have this paper read, and I wish to call special attention to this document, for I do believe that in this controversy the dignity and honor of Congress and of the country are more or less involved. I ask for the reading of the document, which I send to the Chair.

This document, which was read by the clerk at Mr. Stewart's instance, was the agreement made on the 16th day of October, 1867, between the seven trustees under the Oakes Ames contract, by which these men, who held a majority of the stock of the Union Pacific Railroad, pledged themselves to protect their mutual interests in this contract by voting at each annual stockholder's meeting the directors who were then holding office, in order that there might be no interference with the Oakes Ames contract, the profits of which were to be shared pro rata with these seven trustees, according to their respective interests.

After the reading of this document Mr. Stewart went on to say, that he had also a paper purporting to be a bill in equity, filed by James Fisk against the officers of the Union Pacific Railroad, setting forth that there is a conspiracy between a certain body of people styled the Credit Mobilier, a ring consisting of the members of the Union Pacific Railroad Company; that these men have reaped immense profits from this arrangement, to the injury of other stockholders who were not in the ring; that some thirty millions of dollars have been obtained and divided in this way.

In commenting upon this Mr. Stewart said :

*"I have heard it stated that leading members of the Committee on Pacific Railroads in the House were not only in the Union Pacific, but in this identical Credit Mobilier, and were the recipients of enormous dividends, and I have not heard it denied. It is further stated, that for that very reason the thing would never be investigated; and it is said you want to take it out of the courts, you want to stifle investigation everywhere. Are we prepared to place Congress in that situation, if there is anything wrong about this matter. (See Congressional Globe, first session, Forty-first Congress, pp. 303, 305.)"*

The next day, when the resolution was again under consideration, Mr. Stewart said that he had called attention to some singular and rather remarkable paper connected with the Credit Mobilier, and a memorandum of agreement with certain stockholders of the Union Pacific Railroad Company. Since then he had looked farther into the subject, and he had some more revelations to make to the Senate. He then read the title of Mr. McComb's bill in equity against the Credit Mobilier, and also some extracts from the body of the bill itself. He called particular attention to the fact that Ames was charged with having 343 shares as a secret trust for persons whose names do not appear on the books of the company, and the allegation that he was distributing the dividends among unknown parties. Thus it will be seen that the scandal of the Credit Mobilier and Oakes Ames' distribution of the stock of the same among members of Congress was, as far back as 1869, gravely discussed in Congress.

#### WHAT THE FACTS PROVE AGAINST GARFIELD.

The foregoing facts, compiled from the official record, establish beyond peradventure, in regard to Gen. Garfield, the following points:

*First.* He was a member of the Thirty-eighth Congress when the Act of 1864 was passed. The character of that legislation was thoroughly exposed in the House by Mr. E. B. Washburne of Illinois, Mr. Holman of Indiana, and other gentlemen. Gen. Garfield knew what he was voting for.

*Second.* Prior to January 30, 1868, he had contracted with Oakes Ames for 10 shares of Credit Mobilier stock. This is proved by Ames' letter to McComb, of that date.

*Third.* On December 9, 1867, a joint resolution was introduced in the House to create a government commission with power to regulate the freight and passenger tariffs of the Pacific railroads. It was referred to the Committee on Pacific Railroads, and never reported to the House. On January 20, 1868, Mr. Windom reintroduced this resolution, and it was debated then, and on March 12, 20, 25, 26, and May 12, 1868. This debate fully elucidated the relations of the Credit Mobilier of America to the Union Pacific Railroad. On every test vote in the House upon this resolution, Gen. Garfield is shown, by the *Congressional Globe*, to have either dodged the issue or squarely voted for the corrupt corporation.

*Fourth.* On March 15, 1869, after the Credit Mobilier of America had received the profits from the Hoxie and the Oakes Ames contracts, amounting to \$6,272,-233.91, and was in process of receiving the profits of the Davis contract, which amounted to \$29,854,141.99, the joint resolution introduced by Mr. Bingham, of Ohio, was debated and its purpose shown. The record proves that Gen. Garfield



voted for this resolution, which was intended for the protection of the men who were enjoying the enormous profits realized in the construction of the Union Pacific Railroad through the Credit Mobilier of America.

*Fifth.* The evidence of Oakes Ames, corroborated by that of John B. Alley, proves that Gen. Garfield was one of the beneficiaries of the Credit Mobilier fraud; that Judge Black, his intimate friend, said to Alley, that "he should be very sorry to expose Mr. Garfield, who was a particular friend of his."

*Sixth.* That when Gen. Garfield testified before the Poland Committee, January 13, 1872, that, "*I never owned, received, or agreed to receive any stock of the Credit Mobilier, or of the Union Pacific Railroad, nor any dividends or profits arising from either of them,*" he committed perjury.

*Seventh.* That the unanimous report of the Congressional Committee, made by Luke P. Poland of Vermont, N. P. Banks of Massachusetts, G. W. McCreary of Iowa, W. E. Niblack of Indiana, and W. M. Merrick of Maryland, proves that Gen. Garfield was a perjurer. Of Gen. Garfield's connection with the Credit Mobilier this report says:

*The facts in regard to Mr. Garfield, as found by the committee, are that he agreed with Mr. Ames to take ten shares of Credit Mobilier stock, but did not pay for the same. Mr. Ames received the eighty per cent. dividend in bonds and sold them for ninety-seven per cent., and also received the sixty per cent. cash dividend, which, together with the price of the stock and interest, left a balance of \$329. This sum was paid over to Mr. Garfield by a check on the Sergeant-at-Arms, and Mr. Garfield then understood this sum was the balance of dividends after paying for the stock.*

The New York *Tribune* commenting January 28, 1873, on the position in which Garfield was left by Oakes Ames' testimony said:

To accept from the Credit Mobilier valuable allotment of shares at a merely nominal price; to lie and shuffle and prevaricate about the transaction; to concert with a witness the manufacture of false testimony; to testify falsely under oath. These are offenses which should ruin not only those who commit, but those who apologize for them.

Again the *Tribune*, February 19, 1873, says:

James A. Garfield, of Ohio, had ten shares, never paid a dollar, received \$329, which after the investigation began, he was anxious to have considered as a loan from Mr. Ames to himself.

The New York *Times*, February 19, 1873, says:

We do not agree with the committee in its lenient assumption that such knowledge was not possessed by the Congressmen who purchased the stock. If they did not know its character they must have been curiously deaf and blind as to what was going on about them. \* \* \* Of the members thus referred to Messrs. Kelly and GARFIELD present a most distressing figure.

The Cincinnati *Commercial*, February 3, 1873, said:

The member (of Congress), who had ten or twenty shares to his credit, was not called upon to invest his own money, as his stock more than paid for itself. In plain words and putting aside the flimsy pretense of a business transaction, *it was a division of spoils taken from the munificence of the people.* No member of Congress could have been so absolutely ignorant as not to know that such enormous profits were not legitimate earnings.

The New York *Independent*, the leading religious paper in the United States, in 1874, said of General Garfield:

We cannot forget that he was more deeply involved in the Credit Mobilier difficulty than any other member of the House of Representatives, excepting of course Ames and Brooks.

## THE DISTRICT OF COLUMBIA RING AND THE DE GOLYER BRIBE.

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Gen. Garfield was the friend of the District of Columbia Ring. He was owned by that combination of public plunderers. He was the most influential friend they had in the House of Representatives. As Chairman of the Committee on Appropriations he was the leader of the House. In the spring of 1872, by its profligate waste of money, the Ring was getting into deep water. The only salvation of Boss Shepherd and his associates was to obtain large appropriations from Congress. There was obstinate opposition to the Board of Public Works on the part of a respectable number of the citizens of the District. In the winter of 1871-2 a Congressional investigation was instituted, which, although controlled by the friends of the Ring, had developed damaging facts. It was necessary for the safety of every member of the Ring to have in the Chairman of the Committee on Appropriations a staunch friend. The opportunity offered. Shepherd was a shrewd man. He knew Gen. Garfield's value. DeGolyer & McClellan, a firm of Chicago contractors, sent to Washington early in the spring of 1872 George R. Chittenden, to procure a contract for them from the Board of Public Works. They controlled a patent for wood pavement. It had been tried in Chicago and found to be worthless. A commission of eminent men, appointed by the District government, had just previous to the advent of Chittenden pronounced against all wood pavements. This did not discourage the persistent agent of DeGolyer & McClellan. He felt the ground and returned to Chicago and told his principals that he wanted \$100,000. They agreed to furnish it. He came back to Washington. He secured the services of Henry D. Cooke, the Governor of the District, through a Rev. William Calvin Brown. His main object, however, was to reach Gen. Garfield, the Chairman of the Committee on Appropriations. For this purpose he employed Col. Richard C. Parsons, of Ohio. He agreed to pay Parsons \$15,000 if he reached Garfield, and through him obtained a contract. When he was assured by Parsons that Garfield was retained he wrote to DeGolyer & McClellan a jubilant letter.

The influence of Gen. Garfield, he said, has been secured by yesterday's, last night's and to-day's labors. He carries the purse of the United States, the Chairman of the Committee on Appropriations, and is the strongest man in Congress; and, with him our friend, my demand is to-day not less than a hundred thousand more—two hundred thousand in all. Everything is in the best shape; the connections complete.

\* \* \* \* \*  
I can hardly realize that we have Gen. Garfield. It is rare, and very gratifying. All the appropriations of the District come through him.

For the service which Gen. Garfield rendered he was paid \$5,000. He claims that it was not a bribe. Let any impartial man read carefully the history of the District Ring and the services which Gen. Garfield rendered it, and say on his honor



that he believes he was paid this money save for his influence, or that he earned it by any other way than the exercise of his influence with Boss Shepherd.

#### THE HISTORY OF THE DISTRICT RING.

The District of Columbia Ring in the zenith of its power was the most perfectly organized, the strongest entrenched corrupt combination this country ever saw. It not only included all the corrupt men in Congress, but all the principal representatives of the great rings in the country were either directly interested or were anxious to secure the assistance and friendship of its leaders. It was primarily the conception of a few unscrupulous plotters in 1870-1. The flood-tide of apparent prosperity which set in at the close of the civil war had, at this period, reached its greatest height. It was an era of gigantic undertakings, stupendous jobs and wholesale corruption of public men. The Union Pacific Railroad had been completed, and the Credit Mobilier of America had pocketed \$50,000,000. The Northern Pacific Railroad had been chartered and endowed with a landed subsidy equal in extent to the Empire of France and the kingdoms of Spain, Portugal and Italy. Washington was full to overflowing with jobbers and lobbyists. All the great rings which were being gorged with public plunder had their agents and representatives at the national capital to watch events and take care of their interests. The kings of the lobby then were Jay and Henry D. Cooke. Their trusted, adroit general manager was the late William S. Huntington, a brilliant versatile man of exceedingly affable manners, with a genius for jobbery, and endowed with an unsurpassed talent for bold combinations. He was on intimate terms with many public men, and his entertainments were excelled only by those of Sam Ward. Concerned in all great schemes, he saw a grand opportunity for speculation, jobbery and money-making in the national capital. His first effort, the passage through Congress of a charter for the Washington and Georgetown Passenger Railroad Company, along Pennsylvania avenue, had proved a grand success, since not long after the road was completed it was sold to a few New York capitalists at a profit of three hundred per cent. on the original investment.

#### A NATIONAL EXHIBITION JOB.

The next scheme, originated in September, 1869, was to procure a most extraordinary charter from Congress for a corporation which was to hold a "Grand Universal Exposition of all Nations in the City of Washington in 1871." On October 1st, 1869, President Grant was made President of the General Executive Committee and *ex-officio* Chairman of the Local Executive Committee. On December 7th, 1869, the scheme was introduced into the United States Senate by Senator Paterson, of New Hampshire, who was interested in real estate speculations with the leading members of the Ring. It provided an appropriation of \$3,000,000; instructed the Secretaries of the Treasury and of the Navy to provide transportation by land and water; the Secretary of the Interior to place a public reservation at the disposal of the corporators, to grade, lay out and otherwise improve the same, and the streets and avenues leading thereto; the Secretaries of War and of the Navy were to furnish an indefinite number of soldiers and marines to do guard duty from the commencement of the work to the sale or final disposition of the buildings, and our ambassadors and consuls in foreign lands were to act as agents for the corporation in securing foreign contributions. "Give us the money to put up the buildings and the thing will run of itself," said the promoters of the undertaking in their appeal for assistance. It was apparent to every one that this was a wild scheme intended solely for the benefit of

its originators; yet the Senate spent day after day during the whole winter and spring in its earnest discussion, and only the masterly opposition of two well-informed and incorruptible Senators, assisted by the independent press of the country in exposing the fraud, saved us from a national disgrace, and spoiled this huge real estate and stock speculation. Senator Thurman termed the scheme "a humbug, imposing an expense of five or six millions of dollars upon the Treasury of the United States." Finally, on June 10th, 1870, the Senate, ashamed apparently of the earnestness bestowed upon a manifest job, quietly passed over the bill and it was never called up again.

#### THE RING'S ROYAL NOTIONS.

The next great enterprise undertaken by these schemers was to provide a city park. A sufficient extent of land along the picturesque banks of Rock Creek, northwesterly from the city, was found to be in the hands of public-spirited citizens (?) who were willing to sell tracts of it for such a meritorious object; and in close proximity thereto were found proper sites for a mansion and summer residence for the President of the United States, for costly edifices for the use of members of the Cabinet, and for homes for Senators, to be erected by their States. A resolution was introduced and rushed through Congress to have these lands surveyed and plans perfected for laying out roads, drives, vistas and building bridges, under the direction of the Commissioners of Public Buildings and Grounds, and the necessary funds were appropriated to enable him to pay for this work. To do this preliminary work took General Michler, the Commissioner of Public Buildings and Grounds, longer than the impetuous improvers were inclined to wait, and so this undertaking was, for the time being, suffered to remain in this inchoate condition. In the meantime, the Ring speculators were quietly working up two other jobs which promised more immediate remuneration. One of these impromptu schemes hurriedly passed through Congress was the Act of May 20th, 1870, under the provisions of which the public reservation No. 7, on Pennsylvania avenue, between Seventh and Ninth streets, worth half a million of dollars, was, coupled with the most valuable municipal franchises, handed over, in spite of the protest of the Mayor and City Council, to the Washington Market Company for a term of ninety-nine years, subject to the payment of a disproportionate rental for the benefit of the Poor Fund of the District, and to the further condition of erecting a grand monumental edifice to be used as a City Hall. All opposition to this scheme was overcome by the exhibition of a monstrous picture of the proposed palatial building during the debates in the Senate and the House of Representatives. The trifling rental which was to be paid to the Poor Fund was subsequently reduced by a legislature of which we shall speak hereafter, and then well nigh annihilated by the act of three of the original corporators, who nominally went out of the enterprise, and, acting as territorial officers, made a bargain with themselves and associates, by which, besides nullifying the rental obligation, they formally assumed on the part of the District the erection of the costly building which under its charter the Market Company was obliged to build. To commit Congress to an implied approval of this bargain, they had, on March 3d, 1873, an appropriation of \$75,000 smuggled into the Sundry Civil Appropriation Bill, with an obscure description of reservation No. 7. With this sum they were to commence the erection of a City Hall, but, as will hereafter be seen, this money was, in violation of law, applied to another purpose.

#### A RICH BONANZA FOR PILFERING AND STEALING.

The founders of Washington planned it upon a magnificent scale. Wide streets



and avenues intersect each other, the former running from north to south, designated by numbers, and from east to west by letters, crossing each other at right angles and again are cut diagonally by avenues bearing the names of the States of the Union. By this many public places are formed consisting of circles, triangles and squares in different parts of the city. Sections were set apart as reservations for the benefit of the citizens and for public buildings. A number of these had been beautified by degrees in the course of years. As these plans of men of genius were developed it became apparent that there was a chance to gain a cheap popularity by filching credit for originality due to bygone generations and a rich bonanza for pilfering and stealing, since any improvement not in total disregard of the splendid design could not fail to bring out the dormant beauties of the city and at the same time contribute largely to the health and pleasure of the inhabitants. The time was wonderfully auspicious ; with feeble resources the local authorities had struggled for half a century to shape the city in the rough while it remained a mere straggling village, a city magnificent in distances only, so that legitimate demands for street improvements and sewerage had the co-operation and applause of all progressive citizens. The rapid growth of the country during the past few years, the almost unexampled increase of wealth and the consequent extravagant rage for display which always follows, made the parvenu bankers, shoddy contractors, railroad corporators and lobbyists who flocked to Washington every winter, dissatisfied with the old-fashioned city. They complained about the absence of level streets and avenues on which to speed their fast horses and show their grand equipages. They wanted to build palatial residences in which to entice, entertain and seduce Congressmen, but gravelled streets and macadamized avenues did not suit their fastidious tastes. The wily schemers intent upon plunder joined in and threw out hints about "smooth and noiseless" everlasting patent pavements. "It was a disgrace to this great country," they one and all said, "that the national capital was neglected in this manner. Congress ought to lift it out of its mud and squalor, and make it worthy of the great American republic."

#### MILLIONS MUST FLOW FROM THE PEOPLE'S TREASURY.

Men who had thrust their arms into the national treasury up to their elbows and raked out princely fortunes at one haul, were not willing to wait for the slow work of years and the gradual growth of the capital. No, there must be a wave of the enchanter's wand, millions must flow from the national treasury, and the city rise in gorgeous grandeur for their immediate delectation. Congress was debauched ; the Executive power was in the hands of a man who had as little regard for the proprieties of the public service as he had for those of private life. Without a blush he accepted munificent gifts and rewarded the givers with emoluments and honors of high official position. Offices were bestowed as Napoleon the First parcelled out kingdoms among his kinsmen. The integrity and sense of responsibility of official life which distinguished the better days of the Republic were gone, and in their stead we had the low standard of barter and trade. It was emphatically a period of bargain and sale, of speculation and jobbery ; in a word, radical rule had become a synonym for all the vices of the shoddy society of the day.

Washington had, as is well known, up to the year 1867, an old-fashioned municipal government, simple in its form and economical in its working, such as the experience of centuries has shown to be the best and most inexpensive for large cities if properly administered. Improvements within a limited range were being made, and the people had the right to choose their own rulers. The great pro-

portion of the community was content with this form of government. The laws were respected, the checks upon official power good, and the opportunities for plunder small indeed. Subsequent experience has proved that all the clamor of bold, bad men, against this old municipal government and the way it was administered, was for the purpose of practising a deception on Congress, and thus getting control of the District with a government they could manage for schemes of plunder under the pretence of improving the city. By buying up the local press they had gained a powerful influence for evil, and they used it diligently to promote their designs on the public treasury.

#### THE FORM OF GOVERNMENT CHANGED TO GET RID OF NEGRO SUFFRAGE.

The District of Columbia had been since the war a harbor of refuge for the colored people, and for some years past they constituted one-third of the whole population. To school their youth properly, all the taxes collected from colored people had been set aside, but in consequence of the efforts of Sayles J. Bowen, a local radical politician, who in his person united the offices of disbursing clerk of the Senate, city postmaster, police commissioner, member of the levy court of the county and school commissioner, Congress passed a law compelling the cities of Washington and Georgetown and the county, to set aside for the use of a newly created board of trustees of the colored school, appointed by the Secretary of the Interior, such a proportionate part of all the moneys appropriated for the purchase of sites, construction of buildings, payment of teachers and any other expenditures, including contingencies of the white schools, as the colored children of school age bore to the whites. In view of Bowen's connection with the procurement of this legislation it is not strange that in May, 1868, when by act of Congress negro suffrage for the first time became an element of power in the municipal politics of Washington, a total revolution occurred, by which Sayles J. Bowen was elected mayor in the place of Richard Wallach, a loyal and respected conservative, who had served three successive terms, and under whose administration every requisition or appeal made on the city for volunteers or contributions to the pressing needs of the Union soldiers had been responded to with commendable alacrity and without adding scarcely a dollar to the municipal indebtedness. After the expiration of his two years' term, Mr. Bowen was swept from office by a so-called citizens' movement, and M. G. Emery was elected in his stead by 10,076 against 6,882 votes. After two short years the pay of the officers, teachers, employes, laborers and contractors was five months in arrears, and all the safeguard against the increase of debt had been disregarded by unusual devices suggested by William A. Cook, a legal trickster, feared by many but respected by none, who had been appointed corporation attorney, and had with others of a similar character, brought disgrace upon the Bowen administration. The great success of the reform ticket was due unquestionably to the universal desire to get rid of this local trickster, who had given up the preaching of the gospel and taken to the practice and distortion of the law some years previous.

#### BOSS SHEPHERD COMES TO THE FRONT.

It was not long before it became evident that, among the elements which had combined in the citizens' movement of 1870, there were some mischievous men who had simply used the popular current to get rid of a successful rival, and by indirection to further personal sinister interests. In this crusade a man turned up who had for long years, and in vain, striven to reach the highest municipal honor in Washington. Alexander R. Shepherd was elected an alderman, but had scarcely taken his seat in the City Council before he began intriguing for the overthrow of Mayor Emery's administration, and along with it the old municipal



government of the city. The extravagance and misrule which had characterized the Bowen administration had so disgusted a large majority of property holders with an elective government, that the white people, irrespective of politics, were ready to welcome any change. Shepherd is a shrewd, adroit and unscrupulous man, who has come up from the lowest ranks of life just as Boss Tweed did. Without even serving an apprenticeship, he had managed to become the head of one of the largest plumbing and gas-fitting establishments in the District, and to control the greatest proportion of work on government buildings in Washington. From contract jobbery he gradually ventured into all descriptions of speculative enterprises, and, with a tender regard for the dead as well as the living, had undertaken to run a graveyard as well as a life insurance company. Later on he embarked in real estate speculations, and began the erection of rows of a cheap class of buildings, which were generally sold to mechanics and clerks on long terms. This business he began in partnership with Moses Kelly, well known in city politics, and with the bosses of the various building trades. It was a happy thought to tempt into this speculation, about the year 1868, Senator J. W. Patterson, of New Hampshire, since this association gave Shepherd social standing in higher circles than those in which he had hitherto moved, although, on the other hand, it speedily proved the political ruin of the senator. Since that time the victims of Mr. Shepherd's temptations may be counted by scores. Even while a member of the City Council, Shepherd was concerned, as a large stockholder, in wood and concrete paving companies, especially in the Metropolis Wood Paving Company, whose headquarters were over his store on Pennsylvania Avenue.

#### FROM THE SLUMS TO AFFLUENCE.

His tastes, at the outstart of his career, were low. By nature brutal and oppressive to his inferiors, he was ever fawning and sycophantic to his equals and superiors. About the year 1868, J. G. Naylor, a hard-working builder, dared to ask this budding boss for money due him, which so enraged Shepherd that he seized a piece of gas-pipe, struck the mechanic, and nearly broke his skull. After Naylor's recovery from a protracted sickness, Shepherd compromised the pending suit by the payment of a large sum of money. It was not long after this that he discovered that men who cheated with due regard to the conventionalities of society, and broke the Ten Commandments only in secret, are quite as apt at rascality, and much more useful associates, than the roughs who people the slums of cities. As deacon of a fashionable church, nicknamed the "Holy Locomotive," from its suggestive appearance, he craved the smiles of society, sought recognition from so-called gentle folks, and enlarged the circle of his creatures and tools by extending his alliances to the very threshold of the White House. He spread a bounteous board, and boasted a well-stocked cellar; and soon all the shoddy element of Washington society courted his hospitalities, while all decent people denounced him as a rogue. While he was squandering millions of the people's money on worthless tar poutice and rotten wood pavements, his own aggrandizement was attested by the erection of a stately palatial residence, with carved stone fronts, and doors and trimmings of rare woods. Antique furniture, huge mirrors, gorgeous carpets, costly pictures, filled this lordly mansion, and china, manufactured in France to order, graced his festal board. His splendid landaulet, drawn by a span of thoroughbreds harnessed in glittering trappings, driven and attended by flunkeys wearing wonderful liveries, attracted as much notice in the streets as the snob four-in hand of President Grant. There was an object in this ostentatious display, for by it Shepherd managed to fill his salons with judges, generals, senators, ambassadors and fine ladies, and his banquets soon be-

came the talk of the town gossipers, and his balls the envy of every shoddy upstart, and thus in a little while the moral tone of the community was demoralized. A bold, unscrupulous man like Shepherd, invested with almost absolute power, and sustained by the legislative as well as the executive branch of the national government, could not fail to become a dangerous instrument of oppression to the people of the District, and an adroit agent for plundering the public treasury.

#### WHEN THE DEVIL WAS SICK, ETC.

The subject of the foregoing sketch was elected in 1870, by the Board of Aldermen, Chairman of the Committee on Finance. As such, he publicly simulated economy, and quietly favored the grossest extravagance. On the 2d of September, 1870, he, in reporting the general tax bill, spoke of the then financial condition of Washington as follows:

The estimates of the Mayor for the expenses of the current year are \$1,251,287.38. Your committee, however, are of opinion that, in view of the large indebtedness of the corporation, and the heavy taxation imposed under laws recently passed by Congress, it will be necessary to reduce the estimates of expenditures to \$1,000,000. This can be done by omitting the sum estimated for cleaning the streets, by reducing the salaries of corporation officials, which, exclusive of teachers and police, have reached the enormous aggregate of \$123,320, and by carefully restricting our improvements within the limits of our resources. These taxes will bear very heavily upon our people, already compelled to provide for an enormous funded debt. It therefore becomes our duty to administer their affairs with rigid economy, and to take all necessary measures to restore the credit of the city, now so greatly depreciated. Your committee, therefore, recommend the reduction of the salaries of the corporation officers, which now absorb twelve per cent. of the revenue, the introduction of a radical change in the cleaning of streets, and by carefully avoiding waste and recklessness in every branch of corporation expenditures.

#### THE PENNSYLVANIA AVENUE JOB.

At the very time these professions of economy were made by Shepherd, he had quietly sent out one W. H. Chase as an emissary to look after patent wood pavements. On his return, Chase reported that, "when properly laid, wood pavements will last from fifteen to twenty years in Washington." Congress had been importuned about this time by the ring then forming, to authorize paving Pennsylvania Avenue, between the Capitol and Treasury Grounds, with a patent pavement of some description, the government to pay \$160,000, that being about one-half of the estimated cost.

In speaking of this proposition to pave the avenue, the Hon. J. Proctor Knott, of Kentucky, said:

In my judgment, there is more in this measure than seems to be visible on the surface. I think it contains the materials for another of those never ending repasts for the hungry flock of small retainers who hover like vultures about this capital to prey on government garbage, and for which there must be paid out of the public treasury an unlimited amount of money. Lay not, then, I beseech you, "the flattering unction to your soul" that because the amount to be expended in this project appears to be limited to \$160,000, that it will stop there. I tell you there is no power short of an Omniscient Providence that can foretell what the government will eventually have to pay for the improvement of this avenue, if it undertakes it at all. It is true that, assisted by the wonderful powers of science the astronomer can sit in his closet and tell precisely at what moment and at what particular part of the sidereal heavens a comet will appear, which has been absent a thousand years on its pathless pilgrimage through the wilderness of space, and true to the letter of the prophecy, its fiery train flashes upon our vision. But, sir, to foretell what any public improvement about this city will cost, or when it will be finished, not only defies the highest powers of mathematics, but is beyond the utmost range of human conjecture itself.

"When the stars shall fade away, the sun himself  
Grow dim with age, and nature sink in years,"

then, and not till then, may you expect to see one of these government jobs completed and the last deficiency bill passed to pay for it. This language may sound like hyperbole, but show me one single government job around this city that has yet been finished.

#### IT LEADS TO OTHER JOBS.

On July 8th, 1870, a paving bill was passed, under which the United States was to pay, like other property-holders, for its frontage along the Botanic Garden, the railroad company for 22 feet in the center of the street, the private property for the pavement on its frontage, from curb to area chargeable to the railroad, and the Corporation of Washington, for all intersections of streets and avenues, including the spaces along the park inclosures.



Shortly thereafter Louisiana and Indiana avenues, and Fourteenth street, northwest, for the length of nearly a mile and a half, were ordered to be paved with wood by the retrenching City Councils. Though newspaper proprietors interested in the patents previously selected, worked up public sentiment in favor of these jobs to the best of their ability, still many of the property-holders vigorously protested; and in the case of Louisiana avenue, their protests against the costly experiment were so determined, that as a concession a stone pavement 30 feet in width had to be laid on both sides of the street next to the curb, but a wood pavement was forced upon them in the center of the avenue. The stone pavement still stands with rotten wood borders, as a monument of one of the first tricks of the ring.

#### THE RING PAVING COMPANY IN CLOVER.

The Pennsylvania avenue pavement, after three months' delay, was given out on October 19th, in four sections, not to the lowest responsible bidders, but to the owners of those patents which were claimed to give the most substantial guarantees for permanency; all of the aforesaid owners being members of the ring, then in course of formation. The largest two of the four sections at once gravitated to number 908½ Pennsylvania avenue, the headquarters of the Metropolis Paving Company, over A. R. Shepherd's store. The stock of this company had been distributed in large blocks to Hallet Kilbourne, John O. Evans, W. S. Huntington, Lewis Clephane, Sam Young, Shepherd's brother-in-law, and to the proprietors of the *Evening Star* and the *National Republican*, the two principal daily newspapers of Washington. The future glories of the great avenue, when paved with the durable and noiseless wood pavement, were dwelt upon daily by the subsidized editors of the ring organs, and in the meantime the three months' delay in awarding the contract was industriously employed by the ring managers in making their arrangements with the Paving Commission, which consisted of Columbus Delano, Secretary of the Interior, Mayor Emery and General Michler, Commissioner of Public Buildings and Grounds. The season having been wasted in this way Pennsylvania avenue was torn up in the fall and work rushed through in November and December, 1870. On November 1st, eleven days after the award of the contract, a merry company enjoyed an exquisite champagne collation, prepared by Wormley, at an improvised frame building near the sheds where the machinery for sawing the blocks had been set up by the Metropolis Paving Company, and the famous

DR. BUCHU HELMBOLD DROVE UP WITH HIS STYLISH SIX IN HAND to give his blessing to the enterprise. The ringleaders with wild enthusiasm then and there promised the quack doctor that the opening of wood paved Pennsylvania avenue should be celebrated by a grand carnival and fete on Washington's birthday. The fete was duly celebrated and the unsuspecting citizens contributed liberally to pay the piper, never dreaming that at no very distant day they would look back to the occasion through tears of sorrow, and curse the hour in which they made merry over their enslavement. Meanwhile the session of Congress approached. On November 23d, 1870, the *National Republican*, the mouth-piece of the President and the administration, wound up a double-leaded leader on the subject of—legislation for the District, as follows :

A few hundred dollars judiciously expended upon terrapins, oysters, champagne and cigars will be "bread cast upon the waters." The experiment worked well last winter, well enough we think to warrant repetition. Instead of an appropriation of a few thousand dollars every year, we should have five or six millions to beautify and improve the National Capital.

#### WHAT WINE AND WASSAIL ACCOMPLISHED.

Acting upon this advice, ring hospitality was liberally dispensed. There was a

grand banquet to the Press of the country at the Metropolitan, another to Congress at the Arlington. The governors of the states and numerous municipal bodies were invited, the crack militia regiments of the Eastern cities were to have competitive exercises on the newly-paved avenue, and representatives of all nations of the earth were to vie with each other in the exhibition of the sports of their native lands. While this surface movement was going on, public attention was skillfully diverted from more momentous underground currents. Senator Hamlin had, on February 25th, 1870, introduced a bill in the Senate :

To "provide a Territorial Government for the District of Columbia," which was discussed and passed by the Senate May 27th, received by the House May 31st, and referred to the District Committee June 29th, 1870, where it apparently died. But, quite unexpectedly, Mr. Burton C. Cook, of Illinois, the Chairman of the House Committee, reported back a substitute for Mr. Hamlin's bill on January 20th, 1871, and in advocating it said, "There are 131,000 people in this District. \* \* \*

\* The cost of the municipal government in salaries and incidental expenses is \$179,000 a year, or one dollar and a half for every man, woman and child in the District. This is the thing which the committee have endeavored to avoid. The proposed government is intended to be a simple, harmonious, economical one, with a conservative element in it which should be the element representing the people of the whole United States."

After a short discussion, all warning voices were unheeded, and this bill was forced through by a vote of 97 against 58. On the same day the Board of Trade of Washington held a meeting, and on motion of Alexander R. Shepherd, adopted the following resolution :

*Resolved*, That we hail with joy the passage of the bill by the House of Representatives this day, believing that it will be the beginning of a new era in the development of our business interests.

A committee of five, of which Alexander R. Shepherd and Hallet Kilbourne were two, was appointed at this same meeting to urge the Senate to adopt the House bill unaltered.

#### A SATIRE ON FREE GOVERNMENT.

On February 7th, A. B. Mullett, Supervising Architect of the Treasury, headed a petition which was laid before the Senate by William M. Stewart, of Emma Mine fame, praying that the House bill might be passed without alteration. The Senate having moved for a conference committee, a bill was agreed upon and passed both Houses on February 14th, and approved by President Grant on February 21st, amid the portentous follies of the carnival. The bill was not perfected in open Congress, but was manipulated for four weeks in conference committee. It provided for a complicated form of government—one which in truth was the most magnificent satire on government the world ever saw. A more severe blow at republican institutions was never struck in this or any other country. A Radical Congress repudiated the people's demand and laid them at the mercy of an irresponsible one-man power. All power was concentrated in the hands of the President of the United States, and how he abused that power by filling all the offices with men with whom he and his friends were engaged in speculative ventures, is well known to the country. The Governor of the miniature principality had a staff, exercised veto power, and had a pocket veto, too, granted pardons, and filled all the executive offices of any importance at pleasure. A Secretary was provided and a council which was a caricature on the House of Lords, a Board of Health, and last but not least a Board of Public Works. And to the people was vouchsafed the barren privilege of voting for members of a so-called House of Delegates, and a Delegate in Congress who was without a vote. But even this turned out to be no boon at all, since the Board of Public Works, by holding the rod of discharge over every poor laborer who would not vote according to the dictates of the ring, elected this whole mock Legislature and the Delegate to Congress besides. As a natural result of this one-man power in a republi-



can country, a shameful mockery of legislation was witnessed. There was scarcely a single respectable citizen of the District elected to the House of Delegates. This honor (?) was monopolized by the illiterate and subservient tools of the ring, whose only occupation, besides registering the decrees of the Board of Public Works, was to put through a few bills for contractors, who paid well for the same. They legislated however, with a will, and when they could be tolerated no longer, they wound up their official existence by plundering the hall in which they sat—stealing feather dusters, spittoons and desks—some of which were actually pledged with bar-keepers for whisky bills.

#### THE RULERS OF THIS RADICAL ISRAEL.

M. G. Emery, the lately elected reform Mayor, a vain man, had been flattered and deluded into the support of the territorial scheme, which ousted him from the office he had just assumed, under the promise of the newly created Governorship; but after using him, the ring discarded him. The President had unlimited confidence in Henry D. Cooke, who was in charge of his financial affairs, and through him the ring boldly urged Shepherd's appointment to the Governorship. To this the Rev. J. P. Newman, a political parson of the Metropolitan Church, and spiritual adviser at the White House, objected in the interest of Emery, a vestryman of his church. The Rev. Doctor set forth the proofs, pledges made by the ring to Emery, so plainly to the President that he hesitated, and finally the community was surprised by the appointment of H. D. Cooke. Mr. Cooke, besides his connection with the famous firm of Jay Cooke & Co., had some local notoriety on account of his zeal for Sunday-schools, and his activity as a member of the Young Men's Christian Association, for which last-named institution he evinced his firm attachment, by engineering a heavy loan on worthless second mortgage bonds from the Freedman's Savings Bank, thus robbing the poor freedmen in the name of the Founder of the Christian religion. As orthodox members in good standing in the Radical party, the Cookes could venture upon many things which would have been deemed treasonable in others. In 1867, the following advertisement appeared in the Washington and many Southern newspapers:

#### TRYING TO GET A CORNER ON C. S. A. BONDS.

CONFEDERATE BONDS WANTED.—First National Bank, Washington, August 29, 1869. We have an order for a moderate amount of 8 per cent. bonds of the C. S. A., and, until filled, will buy all that are offered at the best rates.

WILLIAM S. HUNTINGTON, *Cashier*.

In the columns of the same Washington paper containing the above, could be seen this also:

FIRST NATIONAL BANK OF WASHINGTON.—H. D. Cooke, of Jay Cooke & Co., President; W. S. Huntington, Cashier; Government depository and financial agent of the United States, Fifteenth street, opposite the Treasury Department.

Here in 1867, was the "Government depository and financial agent of the United States," the bank controlled by the Cookes, openly advertising for and buying up "at the best rates" all the 8 per cent. bonds of the defunct Confederacy in existence. It was then their scheme, as every circumstance shows, to make the Confederate debt a consideration of settlement with the South by Federal assumption—a scheme which was, however, baffled and put at rest by the adoption of the Fourteenth amendment in 1868.

H. D. Cooke, as Governor, was but little more than a figure-head, acting simply as the hand and mouth-piece of Shepherd, enjoying however the luxury of a gaudy uniform and a full staff of militia officers. He believed with his brother Jay that, "A national debt is a national blessing," and the unfortunate people of

the District of Columbia have had an ample opportunity to test the truth of this aphorism.

#### THE BOSS AND THE SUPERVISING ARCHITECT.

Alexander R. Shepherd was appointed a member of the Board of Public Works, which consisted nominally of five members, including the Governor as President *ex-officio*. His associates made him vice-president and executive officer, and with him all the powers of an illy defined government gravitated rapidly to the Board of Public Works, so that imperceptibly the district passed under the control of an irresponsible despotism. The title of the "Boss" bestowed upon Shepherd in this position by the contractors, soon came to be a by-word in the community, and has been universally recognized as an appropriate designation of the man who attempted to run a government, as an overseer does a gang of plantation negroes. Shepherd's colleagues on the board were A. B. Mullett, the late Supervising Architect of the Treasury, who had long had intimate, personal and profitable business relations with Shepherd, in connection with work done and materials supplied for all the public buildings in the United States under the charge of the Treasury Department. Mullett's appointment was a master stroke. One of the most important things to be done was to engineer members of Congress, and in this business Mullett was by universal consent a proficient. Every new building that was built or determined to be built, secured the personal devotion to the ring of from one to half a dozen Congressmen. This was effected in several ways. First, the recommendation of the Supervising Architect for the building of the proposed structure must be had. The member or members from the locality asking for the appropriation courted Mr. Mullett, who could make his own terms. If he asked the favor that they encourage improvement at the National Capital, they could not refuse. Then, again, as a new post office or custom house was to be built, Congressmen might have friends whom they wished to be taken care of by Mr. Mullett, in the way of contracts. Of course, he in his turn could not refuse any reasonable request of this kind. The result was that the member got Mullett's recommendation for the required appropriation, and in turn aided in the grand work of "regenerating, transforming and beautifying the National Capital" by helping the Board of Public Works to large appropriations whenever they needed them.

#### STUBB MAGRUDER AND HIS BOOK-KEEPING.

James A. Magruder, one of the members of the Board of Public Works, was a man alike devoid of character and credit, but subsequently became famous by a system of book-keeping he invented, which enabled him as treasurer of the Board of Public Works to keep his accounts in inextricable confusion to the great satisfaction of Shepherd, for thereby he was enabled at any time to challenge the inspection of the books, well knowing that they could be made to show figures as they were wanted. The Board of Audit, after nearly two years' labor, has not been able to disentangle Magruder's accounts, and in bringing suit against him to recover money alleged to be still unaccounted for, cannot specify the amount any more definitely than "from \$30,000 to \$60,000." The criminal suit on the charge of studiously confusing his accounts which was recommended to be brought, has not been instituted, and probably will not, because the limit of time within which it could be brought has nearly expired. The official report of the Board of Audit nevertheless shows (vide Mis. doc. No. 103, part 3, H. R. 44, Cong.), that an amount exceeding \$1,000,000, which he claimed to have paid out, had never been entered upon his books, but which he was allowed to account for



by producing vouchers not on file among the public records. When it is known that he intermingled his cash with all the various certificates of indebtedness issued by the Board of Public Works, it is easy to understand how he could safely speculate in these depreciated securities with the public money.

#### ONE OF SECOR ROBESON'S PETS.

S. P. Brown, a defaulting Navy Agent, and a favorite contractor in the Navy Department, completed the list of worthies who made up the Board of Public Works. Brown is a native of Maine, and was placed in the Board by the influence of Senator Hamlin and Speaker Blaine. The choice of the ring was Hallet Kilbourn, and Brown was always looked upon with suspicion, although he was a valuable adjunct on account of his connection with the Speaker of the House of Representatives. He was, however, obliged after a season to retire—being caught with an interest in a contract to supply lumber to contractors, afforded the pretext for his dismissal.

Two-thirds of the "Upper Council" were ring creatures, and the other third nonentities. The President in appointing members of this upper branch of the Legislative Assembly, consulted the wishes of Boss Shepherd, who always had ready access to the Presidential ear, through Gen. Babcock, whom he early entrapped into real estate speculations and jobs of various kinds.

#### AN UNSAVORY SET OF JOBBERS.

The Board of Health was composed of two quack doctors, one reputable physician, a colored professor of law, and a capable business man. By adroit management these fellows continued to get an annual appropriation from Congress, amounting to about \$97,000, and when the Democratic House of Representatives in its general overhauling, turned over the Board of Health, it found two of its members interested in very unsavory jobbery—they being the owners, though not the holders of \$10,000 a piece of the stock of an odorless excavating company which had a valuable contract from the Board of Health. The appointments made by Gov. Cooke were really dictated by Shepherd, who was familiar with local politics and knew that it was all-important to make friends of the same men who had proved useful to Mayor Bowen in controlling the negro vote. Thus the very men who had a few months previous been denounced by Shepherd and his ring friends as corrupt jobbers and scoundrels were speedily enlisted under the reform (?) regime. It is sufficient to instance two of Governor Cooke's appointments. He made William A. Cooke, already famous for his latitudinarian interpretation of laws under Mayor Bowen, the legal advisor of the Board of Public Works, and to cap the climax, appointed a very illiterate colored man named Johnson, District Treasurer. Johnson had failed as a barber and as a caterer—a fine preparatory schooling to fit him for the responsible position of custodian of the people's money—but his appointment was a tub to the negro whale.

#### THE BEGGARS ON HORSEBACK.

In organizing the new territorial government, Shepherd and his ring coadjutors had but little regard for their loud professions of reform and economy which they indulged in while denouncing the old municipal government and advocating a change. They established at the very outset a score of bureaus, with chiefs thereof drawing high salaries. They had chiefs of contracts, of pay rolls, of assessments, of streets, of roads, of sewers, of buildings, of repairs, of materials and of property. They began with promises to do all work for 20 per cent. less than usual prices by confining themselves to cash payments, and before three years had so encumbered first, the city of Washington, then the District of Co-

lumbia, then the Board of Public Works itself, with debt, that they all sank together under the accumulated weight, and left the general government to redeem their dishonored illegal securities, which they had issued in every imaginable shape.

As a necessary adjunct to the new form of government, Shepherd had cultivated intimate relations with the Commissioner of Public Buildings and Grounds—an office which was transferred in 1867 from the civil to the military branch of the public service, on the theory that an officer of the regular army would not be likely to involve himself in speculations with outside parties. General N. Michler, who filled the office under assignment of March 3d, 1867, was an honest, upright, genial gentleman, but with one unfortunate weakness, which the ring took advantage of and catered to, until they had well nigh ruined him. His influence was essential to the success of the ring plans. Shepherd wine and dined him, named a row of houses after him, but finding that a more serviceable tool could be procured, he began to intrigue for his displacement, and Michler was quite unexpectedly ordered to the Pacific coast in June, 1871.

#### SHEPHERD AND BABCOCK—CAPITAL UNLIMITED.

The office was handed over to Orville E. Babcock, who ruled in the Executive Mansion as the President's Private Secretary and conscience keeper, and occupied his leisure moments in working up San Domingo and other jobs. Babcock, a few years before, was the very impersonation of genteel poverty; too poor to rent a whole house for the use of his family, he was compelled in 1868 to form a military mess with the families of other officers for the sake of economy, at a monthly expense of about \$55 for each family (see testimony of Gen. Horace Porter in the New York Custom House investigation). Since that time he had received no legacy, nor had any ships of his "returned from the South Sea;" but in a few years after his appointment as Commissioner of Public Buildings and Grounds he became a great real estate speculator, built rows of houses in connection with Shepherd, and grew rich at a time when every outsider lost heavily in real estate operations in Washington. It was, therefore, a fortunate occurrence for the ring that the public grounds were at this auspicious time confided to the care of Babcock, and not placed under the control of the Board of Public Works, since subsequently this dual system enabled Shepherd and Babcock to work in harmony in robbing the Public Treasury, while ostensibly acting as a check on each other.

#### THE RING STRENGTHENING ITSELF.

Here we have to record another intermezzo. The successful alienation of the undivided government reservation to the Washington Market Company in the spring of 1870, heretofore alluded to, acted as an appetizer, and before long the ring schemers had to throw another sop to Cerberus. Thomas A. Scott and Simon Cameron were on the look-out for a city station for the Baltimore and Potomac Railroad Company and their covetous eyes fell upon the Public Mall, a grand pleasure park stretching from the Capitol grounds to the reservations south of the President's house, and including the grounds about the Smithsonian and the Department of Agriculture. Here, within a stone's throw of Pennsylvania avenue, these railroad kings selected a slice stretching for a distance of eight hundred feet transversely through the Mall, so as to mutilate the beautiful plan of the city, and virtually to cut the splendid walks and drives of the pleasure-grounds into two disconnected parks. In accordance with a pre-arranged programme, a bill was introduced in Congress to confirm the action of the City Council, which, in the



very act of death, had presumed to convey this ground to the Railroad Company.

Senator J. W. Patterson, of New Hampshire, who was connected with Shepherd in real estate speculations, in advocating this measure, said :

The question is simply this, shall the action of the city government be confirmed by Congress? I have here a line from one of the Board of Works, Mr. Magruder, saying, "The property given to the Potomac Railroad belongs to the city of Washington."

Senator Thurman retorted, What is this bill doing here if the city owns the land?

Senator Justin S. Morrill added, The city has no more title to this strip of public park than had the Devil when he offered all the kingdoms of the world to the Saviour of the world. This was a very cheap way for the city to manifest its generosity.

Senator Cameron said : To think of confining the city to a little bit of a park. The gentlemen who now ask to have a landing place for their traffic and passengers, have already completed arrangements by which, in two years more, a freight line will start from New Orleans with cotton or any other of the products of the country, and reach the city of New York in fifty-eight hours, carrying freight so cheaply that no water communication can compete with the railroad.

Mr. Chipman, the ring delegate of the District, said in the House, in advocating the same measure, March 22d, 1872, The question was, whether the prospective park west of the Capitol, stretching down toward the Executive Mansion, was of more importance than the commercial interest of the city and District?

In vain the citizens protested against this threatened mutilation of the public Mall; the arrangements had been made between the railroad kings and the District ring. The action of the City Council was confirmed by Congress, and the alliance between the railroad jobbers and the Board of Public Works was complete.

#### THE RING LEGISLATURE IN SESSION.

The first Legislative Assembly of the Territorial Government, assembled May 15th, 1871, and Governor Cooke in his message said, that the funded debt of the municipalities of Washington and Georgetown, and of the Levy Court of the county, was about \$2,350,000. He estimated the floating debt, accrued and accruing from existing contracts, to be \$1,000,000, and urged the appointment of a commission to ascertain and audit the same, and to devise a plan for funding it. He set down the receipts of the Corporation of Washington, from general taxation, at \$1,500,000, and claimed that the expenditures of the same, including schools, police, fire department, gas, salaries and interest on the debt, would be \$800,000, leaving a surplus of \$700,000, applicable to street improvements and the reduction of the debt.

The "Union Club" had been established across the street from the hall where the Legislative Assembly met. There William A. Cooke was hidden in a private room, employed night and day drawing up bills at the dictation of the Board of Public Works, and the Legislative Assembly was simply required to register the decrees of this autocratic body.

On June 16th the House of Delegates called for a plan of improvements deemed necessary by the Board of Public Works, and the estimated cost thereof.

On June 20th, four days afterwards, the Board submitted an elaborate, "comprehensive plan," of improvements, "for every portion of the District of Columbia," accompanied by detailed estimates. Accompanying this comprehensive plan was a statement submitted by the Board of Public Works, from which we extract the following :

The Board is of the opinion that the interests of the District imperatively require that the necessary appropriations should at once be granted, that operations may be commenced without delay.

#### THE MILLIONS BEGIN TO FLOW.

Such extraordinary haste excited the suspicion that the greatest possible amount of plundering was to be done in the shortest space of time. The estimated cost of the proposed improvements was \$6,578,397, of which one third was held to be assessable on adjoining private property, so that an appropriation of \$4,385,598

was asked for; and on July 10th an act was passed authorizing the Government to contract a loan by issuing \$4,000,000 of bonds, the whole of which were to be placed under the control of the Board of Public Works, without requiring any of the guarantees usually imposed upon the custodians of public funds.

The remarkable speed which the new government displayed in contracting indebtedness startled the community, and numbers of citizens sued out an injunction restraining the issue of the bonds, in order to test the legality of the law authorizing the \$4,000,000 loan; but the ring was not to be baffled in this way, and at the instance of the Board of Public Works, the Legislative Assembly, without awaiting the action of the courts, passed on August 19th, 1871, another law authorizing a loan of \$4,000,000, which was to be submitted to the vote of the people. All the machinery which had been employed under the corrupt Bowen administration to manipulate the impecunious voters of the District was brought into requisition by the Board of Public Works, and a large majority obtained for the proposed loan bill.

#### FALSE REPRESENTATION.

A prospectus of the loan was published in the leading newspapers of Europe. Its tenor was that this was a loan guarantee by the United States, and contained absurdly false statements, such as the following:

"Besides the guarantee secured to the creditor by this exceptional position, the state of the finances of the District of Columbia and of the city of Washington is exceedingly favorable, as it was officially ascertained that on the 31st of May, 1871, the entire indebtedness of the city of Washington and Georgetown, and the county of Washington, amounted only to \$3,090,492.27, against a taxable real and personal property valued at \$190,000,000. Of this \$30,000,000 represents taxable property belonging to the United States Government."

This statement was false, for the taxable real and personal property of the District, at the assessment of June 30th, 1872, amounted to only \$86,215,327. The United States has no taxable property in the District, and the debt of the District at the date of this prospectus was in reality \$4,381,297.37. When Governor Cooke was confronted with these disgraceful deceptions, by which the credit of the District was temporarily inflated, he claimed to have sold the bonds at 94 cents net to the First National Bank of New York, and disclaimed any knowledge of or participation in the negotiations in Europe. It is sufficient to say that the notorious prospectus was published over the signature of Seligman & Stetthimer, and that the Seligmans are the successors of Jay Cooke, McCulloch & Co. as the financial agents of the United States in Europe.

#### THE JUDICIARY PROSTITUTED.

The temporary injunction on the issue of the first \$4,000,000 of bonds was dissolved, the judge who determined the cause having been called to the rescue from his Western home, and given a fine mansion in Georgetown in exchange for a piece of swamp land in Arkansas. Undoubtedly the Ring originally intended to issue the bonds authorized by each separate act of the Legislative Assembly, but they were prohibited by an act of Congress from negotiating more than \$4,000,000. The funded debt of the District was limited by the organic act to 5 per centum of the taxable real estate. This the Ring sought to evade, by ignoring the funded debt of the old municipalities; but Congress was forced by the clamors of the citizens to declare, under the Act of May 8th, 1872, that, in the meaning of the organic law, the debts of the old municipalities were to be included; but, inasmuch as the old funded debt and the new \$4,000,000 loan would have exceeded the 5 per cent. limitation, this clause was repealed, and the limit of the debt of the District was fixed at the round sum of \$10,000,000. On this \$4,000,000 Loan Act as a basis, the Board of Public Works reared a colossal debt,



which now rests with an oppressive weight upon the people of the District. The means by which this gigantic indebtedness was created were as tortuous as the necessities of desperate men could suggest. The charge of one-third of the cost of improvements on adjoining property, public and private, was legitimate, but the cost of improvements were swelled purposely, in order that the assessment on private property might be increased, and false measurements were resorted to, with the connivance and participation of General Babcock, Commissioner of Public Buildings and Grounds, in order to increase the charges made against property owned by the government. Being unable by all these devices to keep up their sinking credit, the Board of Public Works resorted to the issue of certificates of indebtedness in every imaginable form, thus recklessly increasing the debt of the District in the face of the plain letter of the law. When finally false statements of the financial condition of the District would no longer avail them, the insolent legal proposition was started that the constitutional limitation applied simply to the District proper, and that the Board of Public Works was an independent corporation, with the power to create a debt without limit.

#### ARRANGING SCHEMES OF PLUNDER.

While the District government was arranging this plan and preparing for its career of jobbery, affiliated Ring speculators were devising various schemes of plunder. Chief among these was the formation of the Real Estate Pool, with two branches acting conjointly and separately as the interests of the master spirits required. As a tender to this, a contract pool was made which was designed to monopolize all the high-priced paving jobs. Hallet Kilbourne was chosen as the middleman of one branch of the Real Estate Pool, while his partner, James M. Latta, acted for the other. Kilbourne had in his combination five parties, one being a Judge of the Supreme Court of the District, and two others being Members of Congress, while the remaining two are unknown to the present day. Senator William M. Stewart, of Nevada, and two Pacific Coast speculators were the principal parties interested with Latta in the second branch of the Real Estate Pool. John O. Evans and Lewis Clephane, the former an unscrupulous contractor, and the latter a trustee of the Freedman's Savings Bank, deep in all the rascalities by which the poor freedman were robbed, stood as god-fathers for most of the operations of the contract pool. Kilbourne, a sharp unscrupulous fellow, who had formerly been the chief clerk in the Interior Department, was set up in the real estate business by William S. Huntington, cashier of the First National Bank. He had probably been useful to Huntington in his official capacity, and was brought out of obscurity by this shrewd and enterprising gentleman, who doubtless designed to use him in a more enlarged field of operations. Kilbourne is a clever talker, earnest and impressive, capable of setting forth a speculative venture in its most attractive form. When the Ring was fairly organized, the part assigned him to play was

TO ENTICE CONGRESSMEN, JUDGES AND INFLUENTIAL FEDERAL OFFICE-HOLDERS to invest in the Real Estate Pool, and to lend their influence to secure from Congress such legislation as the Board of Public Works desired. One of the objects which Huntington had in establishing him in the real estate business was to have an unscrupulous man who might be used to appraise property on which it was desired to procure loans from the Freedman's Bank. Henry D. Cooke, Huntington and Lewis Clephane, constituted the majority of the Finance Committee of that concern, and virtually controlled the accumulated deposits, amounting to over \$4,000,000, which had been collected from the poor freedmen of the South.

Kilbourne's duty, as appraiser of the Freedman's Bank, was to act as a go-between for the Cookes and Huntington, and parties who desired to effect loans on their real estate. If Cooke or Huntington was applied to for a loan of the freedmen's money on real estate, or other securities, the applicant was politely referred to Kilbourne, just as subsequently if any one wanted a contract he was sent to the same source. In this way Kilbourne got a fee for appraising property for the Freedman's Bank, and another of  $2\frac{1}{2}$  per cent. for negotiating the loan. In a short time, from comparative poverty he rose to affluence, and discarding the modest tenement house in which he had lived for many years, built himself a palatial mansion close to the palace of Boss Shepherd, and blossomed out into a leader of the shoddy fashion of the national capital.

#### A USEFUL JACK-OF-ALL-TRADES.

Lewis Clephane, a fussy, lean little man with sharp features, fair complexion, and weasel eyes, protected by gold spectacles, had figured about Washington as a Jack-of-all-trades for twenty years or more, without making a reputation, or accumulating a fortune. He began his career in the office of Doctor Bailey's *National Era*, an anti-slavery weekly, where he made himself generally useful in the dual capacity of clerk and solicitor of advertising. From his connection with this paper he obtained a bowing acquaintance with the anti-slavery magnates of the olden time. This slender acquaintance served him as his political and religious stock in trade, when the Republican Party came into power. He was made city postmaster, and afterwards collector of internal revenue by Mr. Lincoln. Neither of these offices afforded scope for his genius, which was especially adapted to jobbery. As Vice-president and member of the Finance Committee of the Freedman's Savings Bank, Clephane had important functions to perform for the Ring. The Metropolis Paving Company, Lewis Clephane, president, and the Scharf Concrete Paving Company, John O. Evans, president, while struggling for recognition at the hands of a skeptic community, had to be sustained by loans advanced on their as yet worthless stock from the ever convenient savings of the poor freedmen. These two worthies, the presidents of the two principal Ring paving companies soon proved themselves to be adepts in Bill Kemble's art of "addition, division and silence."

#### THE BOSS'S "SQUAREST CONTRACTOR."

Evans was a keen, shrewd, close-mouthed operator, who kept aloof from politics, and unlike other members of the Ring, eschewed fashionable life. These qualities fitted him admirably for the part which he was at a later date to play as the representative of the Shepherd-Babcock-White-House Ring, which fattened exclusively on government pap by means of extortionate prices for work done on, in front of, and through government reservations, the measurement of which was confided to Babcock, and the bills certified to by him and paid by Shepherd out of the appropriations made by Congress. The confidence placed in Evans is shown by the following testimony of Shepherd before the Joint Investigating Committee:

I can say this much for Mr. John O. Evans, that he is one of the best business men I ever knew, and as a contractor, he is one of the squarest and most upright men I ever met; that the work done by him is unsurpassed by that done by any other person in this city. There never has been any difficulty with him in getting him to make his work right (page 1936, District Investigation.)

Of course it is not to be expected that men of a low standard of morality would deal with each other honestly except when compelled so to do by the cohesive power of public plunder. Huntington died in 1872, and his Ring associates, true to their real natures, undertook to defraud his widow of the proportion of spoils



justly due her. Determined to bring her husband's unscrupulous partners to terms, Mrs. Huntington gave publicity to the following letter, which was written by Hallet Kilbourne to Huntington :

## A VERY SUGGESTIVE LETTER.

GILSEY HOUSE, NEW YORK,  
CORNER BROADWAY AND TWENTY-NINTH STREETS,  
BEESLIN, GARDNER & Co., Proprietors,  
New York, Friday, August 25, 1871.

*My Dear General :* Evans, Clephane and myself left Washington last night to visit Philadelphia and this place, and "gobble up" all the asphalt or concrete pavements we can. In Philadelphia, to-day, we secured Filbert's vulcanite pavement, which is being used quite extensively in the park, and has the very best recommendations. We shall close up the business to-morrow in black and white. We bought a steam-roller to-day from an English agent, who orders it from Liverpool by cable to-night. It costs, delivered, about \$5,200. *We shall secure another stone-breaker and a lot of asphalt to-morrow.* The Board of Public Works have advertised for proposals for paving, to be opened next Friday, the 1st instant. We propose to be prepared for them. We had to make a small Ring of about seven persons in order to accomplish results. In this Ring we had to put all the concretes. Evans, Clephane, yourself, Kelley, Kidwell, and myself comprise six of the "Ring." We shall put it in the best shape possible. We shall try and control the entire lot of asphalt pavements. We will go home Sunday evening and get all things in readiness for 1st of September.

H. D. C. tells me to draw on him for \$25,000 cash for Real Estate Pool.

Hope you will make a special effort in Junction Railroad bonds.

I judge from your telegram to Frank from St. Petersburg that you will hardly get the Perkins claim through in time to return on steamer of 16th September; hope, however, you will, as it is devilish lonesome and quiet here during your absence.

Let me hear from you.

Truly yours, HALLET K.

## THEY COME DOWN WITH THE CASH.

The publication of this letter was notice to the mean scoundrels who would have defrauded the widow that unless they came down with the cash there was more ammunition in the same magazine which would be exploded at the proper time, and accordingly they settled. As to the bearing of the above letter on the Real Estate Pool it was proved and admitted, before the Joint Investigating Committee of the Forty-third Congress, that H. D. C. stood for Henry D. Cooke, the governor of the District, who subsequently claimed that he had put up the \$25,000 for the firm of Jay Cooke & Co.; and, still later, Kilbourne & Latta, acting for the Real Estate Pool, to prevent further exposures, compromised with the trustee of Jay Cooke & Co.'s creditors by the payment of \$40,000 in cash. It was also admitted that besides the \$25,000 advanced by H. D. Cooke, five other parties put up \$5,000 apiece, making a pool of \$50,000 for the Kilbourne branch of the Real Estate Pool.

Upon the trifling capital of \$50,000 this Real Estate Pool accomplished wonders by virtually making the millions spent for improvements a part of their working capital and by commanding the credit of the then solvent house of Jay Cooke & Co.

## A DEVICE OF THE RING.

On June 20th, 1871, two months before Kilbourne's letter to Huntington above given was written, the Board of Public Works sent the schedule and estimates of the improvements contemplated under their "comprehensive plan" to the District Legislature. These documents, as subsequent events have demonstrated, were framed for the purpose of deceiving the public, as well as contractors not in the Ring. They contain the official declaration that—

The board is satisfied, upon careful consideration, that as a rule the value of property in the District will not warrant the general introduction of wood or other expensive pavements, and, if at all used, it should be confined to a few of the principal avenues of communication.

The estimates included but 231,000 square yards of wood pavement, at prices ranging from \$2 to \$4 per yard, while no concretes were estimated for. There are now fully 2,000,000 square yards of these expensive and altogether worthless pavements in this city. John O. Evans, Kilbourne, and their associates were so well informed of the real intentions of the Board of Public Works, and so sure of gobbling up "all the concretes," that they imported a steam roller, expensive :

stone breakers, and other machinery, costing over \$30,000, and purchased "a lot of asphalt" one week before any bids were opened. This false declaration of the Board of Public Works also enabled them to "gobble up" the right to use in the District, on very favorable terms, the most profitable patents for wood and concrete pavements. Thus the Contractors' Ring was made ready for the carnival of plunder.

The northwestern and the northeastern sections of the city slope from the boundary down to North L and G streets, and were then vast tracts of unimproved land, with

#### LARGE AREAS COVERED WITH WATER

during a portion of the year. The first named locality was selected as the theater of the Real Estate Pool's operations. Such streets in both of these quarters as were enumerated in the board's communication to the District Legislature for improvement were specified for graveling, with here and there some macadamizing.

Speculation in real estate based upon information open to all of course was legitimate. But while the specifications were, so far as the northeastern section was concerned, adhered to in the limited amount of work done there, the pool district was paved with the most expensive wood and concrete pavements. The avenues and streets were extended through this section and graded, paved, parked and bordered with shade trees, the reservations laid out and improved in the most extravagant manner, while over the vast expanse there were dotted, at long distances apart, only a few scores of dwelling houses. This locality is traversed in every direction by avenues, and the general government, by the shrewd manipulations of the Committees on Appropriations in the Senate and House, has been made to pay five-sixths of the cost of improving these, while two-thirds of the cost of the streets, by the organic act of 1871, was chargeable to the general fund of the District. Thus it will be seen that but a very small portion of the vast expenditures which have been lavished on the pool property came out of the pockets of the speculators who profited thereby.

#### ADDITION, DIVISION AND SILENCE.

The change in the plan which was sent to the Legislature was kept secret for a whole year. The contracts which were let during that period covered the central section of the city and a few main lines of travel into the country, and thus the public was led to believe that the published programme was to be carried out in good faith. The first contract of any magnitude for work to be done in the northwestern section was let August 6th, 1872, to Chas. E. Evans & Co., for \$296,375 worth of concrete pavements to be laid on Connecticut and Massachusetts avenues, Eighteenth, L and other streets. The interval between the publication of the false estimates and this denouement of the plot gave the conspirators ample time to buy up for a song the property they had in view, and when questioned by the investigating committee, Kilbourne could insolently reply, "We had faith."

The amount of cash capital with which this huge speculation was started seems insignificant, but all the purchases were made for small cash payments, notes running a long time being given for the balance, and secured by deeds of trust. The pool relied on the great profits which they expected to make from sales to meet these notes as they fell due. They expected outsiders to be inspired with "faith" as soon as the public became aware of the extent of the improvements to be made in the pool district. The following transactions show that these expectations were speedily realized:



## RING PROFITS.

September 23, 1871, Hallet Kilbourne, trustee, bought of W. W. Rapley 140,-406 square feet of ground in square 203 for \$21,525, of which \$15,000 remained at 6 per cent. interest, secured by deed of trust. The same lots were sold March 22, 1873, to Charles Payson, for \$35,785, subject to the deed of trust for \$15,000, or in toto for \$50,875. This transaction may be summarized as follows:

Outlay of Real Estate Pool; cash paid September, 1871.....	\$6,525 00
Interest on cost and incumbrance for eighteen months.....	1,291 50
Taxes for one year on assessed value of \$19,888.....	400 00
Total cash outlay .....	\$8,216 50

On this expenditure of \$8,216.50 they received within eighteen months \$35,875, a net profit of \$27,658 cash, which is equal to a return of \$436 for an investment of \$100.

Another illustration. Lot 4 in square 157 was bought September 27, 1871, and sold May 3, 1873. The expenses, calculated as above, foot up about \$3,162 cash, and a net profit of \$5,443 was realized thereon. In this instance an outlay of \$100 brought back \$272.

These sales were made at a time when the pool wanted money to meet deferred payments on other property. The major portion of their purchases were made, however, at twenty-five or thirty cents per square foot, and all this property is now held at from \$1.50 to \$2 per foot.

The dates of these transactions show that while the Board of Public Works misled outside capitalists by false official statements, Henry D. Cooke, the Governor of the District and *ex officio* President of the Board of Public Works, prostituted his official position by entering into a conspiracy to deceive the public, and, by

## SPECULATING ON INFORMATION.

known to him only as a sworn officer, thereby enriched himself and his confederates. He furnished one half the capital of this cash pool; and had not bankruptcy overtaken his firm, the secrets of this conspiracy would in all probability have been unknown to-day.

The other branch of the Real Estate Pool which was ostensibly headed by William M. Stewart, and for which Latta, Kilbourne's partner acted as trustee, undoubtedly acted in harmony with the Kilbourne-Cooke branch.

Curtis J. Hillyer and Thomas Sunderland, two Pacific coast speculators, were associated at different dates—the former in May, 1871, and the latter about May, 1872—with Stewart. The operations of Stewart in mining stocks had so crippled him that in December, 1872, he was compelled to retire from the Real Estate Pool; but he received a bonus of \$18,000 for his interest in the profits to be realized. Hillyer and Sunderland remained, and Latta conducted all their operations as trustee in the same secret manner which Kilbourne originated for his co-conspirators.

All the best tracts of land held by the trustees could be sold by them in fee simple or mortgaged without the interference of the parties for whom they were acting, as will appear by the following, which formed the habendum clause in every deed by which property was conveyed to them:

"To have and to hold the same pieces or parcels of grounds, premises, and appurtenances unto and to the use of the said party of the second part, his heirs and assigns in and upon the trusts, and for the purposes particularly set forth in a printed paper bearing even date with these presents, and signed by the said party of the second part with full power, however, in the said party of the second part to sell and convey said property in fee simple, or by way of mortgage, or deed of trust, to secure payment of money at such time and place, or such sums of money, upon such terms and in such manner as in his judgment may be proper, without any liability on the part of the pur

chaser or mortgagor to see to the application of the purchase money, or money advanced on mortgage or deed of trust as aforesaid."

The "printed paper" referred to in the above quoted habendum clause was a skillfully drawn instrument of concealment. The following is a copy of the form used by the Kilbourne branch of the pool:

#### THE INSTRUMENT OF CONCEALMENT.

"Whereas, The following real estate in the city of Washington, District of Columbia, has, by the parties hereinafter named, and by deeds bearing dates as stated (property described by squares and lots), been conveyed to me in fee simple;

"To have and to hold the same upon trusts and for the purposes set forth in this paper signed and sealed by me, bearing even date with the said deeds. And whereas, the cash payment of the purchase money for said property and other was advanced by the following named persons, in respective sums set opposite their names, to wit:

Jay Cooke & Co. ....	\$25,000 00
Five other parties, each \$5,000. ....	25,000 00
Total. ....	\$50,000 00

And Whereas, Promissory notes for the deferred payment of the said purchase money have been given for the said parties respectively as follows: Jay Cooke & Co., one-half; five other parties, each one-tenth.

Now, therefore, this is to declare that I hold said real estate in trust, to be held, managed and sold for the above-named parties in fee simple as tenants in common; the interest of said parties in said real estate being in proportion to the sums paid by them respectively. It being understood that upon the failure of any of the said parties to pay their proportion of said notes or interests or taxes, as the same become due (first having been notified of the amount required and time of payment), then the same may be paid by the remaining parties in interest and, at their option, refund to such delinquent party or parties the sum of money previously advanced without interest, and such delinquent's interest in said property shall revert to the remaining parties in proportion to amounts severally advanced by them to make good said delinquent's interest.

Given under my hand and seal this 2d day of October, A. D., 1873.

(Signed) HALLET KILBOURNE, Trustee. [L. s.]  
We acknowledge the above statement to be correct, and agree to the same.  
(Signed) JAY COOKE & CO.,  
And by five others.

#### TRYING TO DEFRAUD CREDITORS.

On September 18, 1873, Jay Cooke & Co. failed, and six days later the conspirators interested in the Real Estate Pool, with the assistance of the members of the firm of Jay Cooke & Co., undertook to defraud the creditors of that concern by availing themselves of the clause in the "printed paper" to call in an assessment. This, of course, Henry D. Cooke declared himself unable to pay, in order that there might be an opportunity to forfeit his interest and thus prevent the affairs of the pool from being overhauled in the bankruptcy proceedings. In consequence of this action of the Ring a suit was entered in 1875 by the trustee of Jay Cooke & Co.'s creditors to compel Kilbourne & Latta, as the trustees of the Real Estate Pool, to state an account. This frightened all the men who were interested in the pool, and pressure was brought to bear on Mr. Lewis, the trustee of Cooke's creditors, who finally compromised the matter on the payment of \$40,000 by Kilbourne & Latta—a sum altogether inadequate, since the profits of the Ring, as has already been shown, were very much larger.

The intimate connection of the two branches of the Real Estate Pool is evidenced by a transaction recorded October 2, 1872, when James M. Latta, the trustee of the Pacific coast pool, conveyed 273,000 square feet of valuable ground in the northwestern section, on which, according to the records, cash payments to the amount of nearly \$50,000 had been made to Hallet Kilbourne, trustee of the Cooke pool, for a consideration of one dollar! Latta, when examined before the joint select committee in 1874, in vain attempted to explain this transaction, but the most he claimed was that he had received from Jay Cooke & Co.'s bank about \$6,000 on the order of Kilbourne to make the purchase. On the other side, Kilbourne, trustee, conveyed in May, 1872, square 156, for which his pool had paid \$13,748 cash, and gave a deed of trust for \$52,000 (total \$65,748), to James M. Latta, trustee, for \$90,429, subject to the above-mentioned deed of trust, making a total of \$143,177.



## TO MISLEAD FUTURE CUSTOMERS,

and settle with their secret allies, numerous bogus transactions were put on record. For instance, Stewart and Hillyer purchased in June, 1871, squares 66 and 93 for \$64,700. After Hillyer bought out Stewart he kept a piece of land from the above, which was proportionately worth \$6,500, and conveyed the rest in March, 1873, for a consideration of \$125,000, subject to a deed of trust for \$51,700, to James M. Latta as trustee.

The titles to the rest of the pool purchases oscillated between the three members of the firm of Kilbourne & Latta (John F. Olmstead being the third member), as the necessities of covering their transactions seemed to dictate. The aggregate purchases of the two pools from July, 1871, to July, 1873, were 2,456,046 square feet of ground, for which they paid \$704,267.30—about one-fourth in cash and the balance in long notes. This shows an average of about 29 cents per foot. There were in 1873 *bona fide* sales of pool property recorded, amounting to 307,614 square feet, yielding over \$217,000, or an average of nearly 70 cents per foot, and 75,223 square feet were withdrawn as sites for the palaces of Messrs. Stewart and Hillyer. At this date there are 2,063,219 square feet standing in the names of Kilbourne, Latta and Olmstead, trustees, which, at the prices asked, aggregate fully \$2,500,000. They are assessed, however, even now under the revised assessment at only \$617,253, or 29½ cents per foot, which simply represents the cost price of the ground when it was unimproved and some of it under water.

## THE PEOPLE HAVE TO FOOT THE BILLS.

The improvements in this pool district, which were paid for out of the United States treasury, and from the general fund of the District, aggregate fully \$4,000,000. The profits on these Ring transactions must amount to fully \$1,500,000; but, notwithstanding this fact, Kilbourn avers that of the 2,000,000 square feet held by himself and Latta and Olmstead, only 257,123 square feet belong to the Cooke pool, and proposed to settle with the trustees of Cooke's creditors for \$40,000, and this proposition was accepted.

Besides the direct pool operations, the most trusted friends of the Ring in and out of Congress speculated largely in property situated in the pool district on their own account, in addition to their secret interests in the pool connections.

## HOW SOME ROGUES WERE PAID.

Secor Robeson, in the name of Augustus S. Campbell of Chicago, bought in May, 1872, square 193, containing 155,526 square feet for \$79,841, subject to the payment of a heavy mortgage. Part of this square he has since exchanged for Little Emma Stewart's old brown stone house fronting on the Fourteenth street circle.

Secor Robeson's bosom friend, A. G. Cattell, bought in August, 1871, about 35,000 square feet of ground in square 195 for \$23,000. He was Boss Shepherd's first choice for District Commissioner, but failing to get him, Ketchum was taken as second best.

Stewart's pal in the Little Emma Mine swindle, Robert C. Schenck, bought in April, 1871, square 135, containing 35,918 square feet. This is adjacent to Stewart's new mansion.

E. C. Ingersoll, ex-member of Congress from Illinois, formerly Chairman of the District of Columbia Committee of the House, and now a notorious lobbyist and dabbler in street contracts, bought in the spring of 1873 square 137, containing 163,440 square feet, for \$80,000, subject to a heavy mortgage. This thriving statesman owns besides over 20,000 square feet in smaller parcels throughout the pool district.

Ex-Senator Joshua Hill, of Georgia, owns square 137, containing 83,780 square feet.

Ex-Attorney-General Williams purchased the larger portion of square 159, and has advantageously disposed of the greater part of it.

John O. Evans, the Boss's "squareest contractor," owns square 190, containing 159,264 square feet, besides numerous parcels, and has lots in various parts of the pool district.

Ex-Senator Patterson speculated largely in connection with Boss Shepherd in property situated in the pool district, but this is now in the name of either Kilbourne or Latta, trustees, perhaps to cover up interests which the honorable gentlemen do not desire the public to know about.

These facts make it clear that the Real Estate Pool was designed not only to enrich the master spirits of the District Ring proper, but also to afford a means of

securing the assistance of influential Federal officeholders and Congressmen, and a perfectly safe way of paying these corrupt men for their services.

#### A FEW SPECIMEN FRAUDS.

The first step taken by the Board of Public Works after their induction into office presaged dire results. To the suspicion of corruption and jobbery which attached to the Board of Public Works, were added grave doubts of their competency for the performance of the work confided to them. We adduce a few instances. On July 15th, 1870, Congress appropriated at the instance of the speculators we have outlined above, \$50,000, "for the purpose of dredging, narrowing or arching over the city canal," under the supervision of the Board of Commissioners, of which General M. Michler, then Commissioner of Public Buildings and Grounds, was the expert member, on condition that the city of Washington should raise by taxation \$100,000 for the same purpose. In November, 1870, these commissioners, Hallet Kilbourne being one, entered into a contract with John O. Evans, under the firm name of Teemyer & Co., "to dredge, clean out and narrow," according to General Michler's plans and specifications. Before any work was done on this contract the same unscrupulous operators procured a clause to be inserted in the appropriation act, approved April 20, 1871, by which all the powers of the Canal Commissioners were transferred to the Board of Public Works, so that the board, with A. B. Mullett as its Civil Engineer, became responsible for this work. First, under pretence of narrowing the canal, worthless walls were built upon shaky pile foundations, which soon gave way. To hide this jobbery, the Board of Public Works decided to fill up the canal, but before this decision was made the \$50,000 appropriated by Congress had been squandered, and in addition, as is admitted by Shepherd in his report, dated February 28, 1874, to the Joint Investigating Committee, \$109,221.61, making a total of \$159,221.61 actually thrown into the old canal. Then for filling the canal, favorite contractors were paid in addition to the regular price allowed for grading on the streets in August, 1872, and January, 1873, upon measurements made by Babcock, \$122,216.80. And again in January and August, 1873, another sum of \$213,550.70 was paid for arching (or making a sewer of) this same canal. And further still, Babcock diverted additional sums for grading reservation No. 2, to pay for filling the canal. This same imbecile policy of doing and undoing this work has been, and is being continued up to the present day by means of bonds and cash derived from District sources at a total cost so far of about \$600,000.

#### THE TWEED RING OUTDONE.

North Capitol street was put under contract by the old corporation to be paved and improved with a park laid out in the center of the street: the Board of Public Works continued this contract and finished the street at a cost of \$66,245.11; but while the contractor was still at work under the contract let by the old corporation, another having a contract from the Board of Public Works followed, tearing up the work just finished. The object of this last improvement (?) of North Capitol street was to make property which had been purchased by Shepherd, A. R. Corbin—Grant's brother-in-law—Huntington and others more valuable, by diverting a natural water course which ran through it to the center of the above named street.

In November, 1871, before the special election took place on the second \$4,000,000 loan bill, various streets and roads were in process of improvement. Among others, the Seventh street road, a country thoroughfare nearly three miles in length, and leading to Shepherd's country seat, was included in the schedule of the so



called "Comprehensive Plan of Improvements" authorized by the Legislative Assembly. The work to be done on this road was estimated, under the head of "repairs," at \$2,500. Subsequently Shepherd claimed before a committee of Congress that this was a typographical error, and that the figures should have been \$35,000, and that the repairs were to consist of a new macadamizing of the whole road. The footings of the figures in the columns of which the estimated cost of the various improvements were carried out, branded this sworn statement of Shepherd's as a deliberate falsehood, but still the Committee accepted it as a truth, and it was three years before the entire cost of improving the Seventh street road was discovered. The official figures submitted to Congress in the spring of 1875 show that the enormous sum of \$200,239.39 were squandered on this imperfectly constructed road. It cost \$70,000 per mile—more than is required to build and equip a railroad the same distance. The direct expenses of registration, advertising, &c., for the two elections in 1871, exceeded \$100,000.

#### LETTING CONTRACTS AND FIXING PRICES.

On August 21st and 25th, 1871, bids were invited for laying wood, tar, Macadam and Belgian pavements, for curbs, sewers, &c., on certain specified streets. The bidders were required to deposit with the Collector of the District \$1,000 on each item bid for, as a guarantee that they would conform with any award made. On September 13th Shepherd moved in the Board meeting, that the Collector report the amount of the guarantee fund then received, from whom, and at what date. In this way it was found that responsible contractors outside the Ring had made *bona fide* bids. Thereupon all bids received were rejected, notwithstanding the plighted faith of the government to award the contracts to the lowest responsible bidder. All the profitable work was then arbitrarily awarded to favorite contractors, at prices established by the Board, which were arrived at by averaging the bids of contractors who were decided by the Board to be responsible. To keep up appearances, outsiders got small contracts for less desirable work at less remunerative rates. Simultaneously it was determined to establish a Property Bureau under the philanthropic pretext of aiding contractors having limited capital. The real object of this system was to enable the ring jobbers to get the benefit of the wide margin between nominal or card prices and the heavy discounts allowed to wholesale customers. By these bold moves, successfully carried out, the ball opened and the jobbing began in real earnest.

In October, 1871, the great Chicago fire occurred, and Governor Cooke called an extra session of the Legislative Assembly for the exclusive purpose of voting \$100,000 for the relief of the suffering people of that afflicted city. The issue of five-year bonds was accordingly authorized and negotiated, but it took more than a year's begging to get \$67,500 into the hands of the Relief Committee; the balance was swallowed up by commissions and otherwise absorbed.

#### A WHITEWASHING INVESTIGATION.

By December, 1871, the opposition to the Board of Public Works, on the part of the citizens, had assumed formidable proportions. Petitions signed by great numbers were presented to the House of Representatives demanding an investigation. After much opposition on the part of the Ring, the House, on January 22, 1872, directed the Committee on the District of Columbia to investigate the Board of Public Works. The Republican majority of the Committee threw every obstacle in the way of the citizens who were prosecuting the inquiry. Witnesses were bullied, badgered and browbeaten by attorneys employed by Shepherd to conduct the defense of the Board of Public Works. But notwithstanding all this

opposition, the most damaging revelations of Ring rascalities were made. The Republican majority, however, undertook to vindicate the Board of Public Works. We quote extracts from their report as follows :

The Committee find great cause of commendation for the energy, liberality and generous desire to improve and beautify the National Capital. \* \* They also find the ordinary and usual errors attendant upon the establishment of a new system of government ; there was inexperience on the part of the many. \* \* There was a lack of careful and cool legislation. \* \* The new authorities became somewhat intoxicated with the spirit of the movement ; \* \* more work was undertaken at once than was wise. The District authorities at the outset were not sufficiently mindful of the small extent of their official jurisdiction and the slender consistency on which all the public burdens were to rest, and therefore sufficient care was not taken to have rigid economy prevail in every department. These errors were such as time and experience would soon demonstrate, and the Committee find that many of these expenditures have already been curtailed, and a more stringent economy now prevails in the conduct of those public officers. \* \* The defects in some of the pavements resulted from the great haste during bad weather. It does not appear in any case that the contractors intentionally laid inferior pavements. All defects are to be remedied by the contractors, who are bound by contract and by bond in every case to keep the pavement in good repair for three years. \* Concrete and wooden pavements are somewhat experimental. Time alone can determine the wisdom of their adoption.

In concluding their report the Committee extol the governor and the members of the Board of Public Works for "the zeal, energy and wisdom with which they have started the District upon a new career of improvement and prosperity."

A letter of Governor Cooke, dated February 7, 1872, was published with the report, in which he reiterated former pledges by saying, "the \$4,000,000 authorized by the first act of the Legislature are all that is deemed necessary to carry out and perfect the general plan of improvement adopted by the Board of Public Works and the Legislature."

#### AN HONEST MINORITY TELL THE TRUTH.

The minority of the committee, Messrs. Roosevelt and Crebs, in a dissenting report boldly exposed the attempt of the majority to palliate the glaring frauds committed by the Ring, and foretold the bankruptcy impending over the District. They pointed out the fact that the local press of the District had been subsidized by the Ring ; that during the few month's existence of the territorial government \$143,635.62 had been paid to a few newspapers with a limited circulation for advertising. They denounced the excuse which the governor and Board of Public Works had put forward for his reckless and profligate expenditure of the public money, which was that by this means the newspapers had been brought to support the \$4,000,000 loan bill, and had by their advocacy of the measures of the new government created a favorable sentiment on the part of the people, and thereby brought up the credit of the District in the markets of the world. In concluding their report the minority say, "that the powers assumed and exercised by the Board of Public Works are dangerous to the best interest of the District and the reckless extravagance of all departments of the District government ought to be checked." But the warning voice of the honest men who composed the minority of this committee was not heeded by the administration or by Congress. They were maligned and vilified by the subsidized Ring organs of the District. On the other hand the Board of Public Works accepted the invitation tendered it by the House of Representatives, not only as an indorsement of all their past acts, but as a broad license to do in the future whatever their sweet will might dictate.

#### THE RING CAPTURE GARFIELD.

It was necessary, in order to accomplish the design of the ring, in obtaining enormous appropriations from Congress to pay for these improvements about imaginary reservations, that it should have serviceable friends on the Committee of Appropriations. James A. Garfield was chairman of that committee. In the spring of 1872 a needy adventurer named Chittenden came to Washington as the agent of De Golyer & McClellan, a firm of Chicago contractors, who wanted a



contract to lay a patent wood pavement. He made his first overtures to W. S. Huntington, but death interfered. A decayed parson, the Rev. Wm. Colvin Brown, introduced Chittenden to Henry D. Cooke. Richard C. Parsons, Marshal of the Supreme Court, and who had converted that respectable office into a headquarters for the lobby, where venal schemes were canvassed and concocted, was the intimate friend of Gen. Garfield, and was employed by Chittenden to secure his influence. H. D. Cooke, the Governor of the District and member of the firm of Jay Cooke & Co., had been the medium through whom the delicate negotiations were made by which the empty pockets of honorable patriots in Congress were stuffed with Northern Pacific bonds and other "securities," the value of which depended upon legislation. Cooke and Parsons were intimate friends. Shepherd was President of the Board of Public Works. Cooke consenting, a word from Shepherd put millions into the contractor's pockets. Parsons was examined before the Joint Investigating Committee of the Forty-third Congress in relation to his employment by Chittenden and the services he rendered.

#### DICK PARSON'S TESTIMONY.

In the spring of 1872 (I think in April), I was retained by Mr. Chittenden, as a lawyer, on behalf of the firm of De Golyer & McClellan, of Chicago, to argue before the Board of Public Works at Washington the question of the superiority of their patent for cured wood pavement.

\* \* \* \* \* At the time I was retained in this case I scarcely knew Shepherd by sight. \* \* \* \* \* With Cooke, who was an old and intimate friend, I never spoke but once, to my recollection, on the subject. \* \* \* \* \* With the other members of the Board I had no acquaintance, and never to my knowledge spoke to one of them.

I was called home to Cleveland by matters of a pressing private nature, and feeling great solicitude as to the result of my labors, and of course of securing my fees, I called upon Gen. Garfield and gave him a history of the case as it then stood, and asked him, as Congress would adjourn in a few days, if he would act for me in my absence, and give the subject a careful investigation. He at first declined on the ground of pressing business, but finally assented to have me send the model, books, papers, &c., to his house for examination. After a day or two I called upon him, and he said he would prepare an opinion as to the merits of the patent and attend to the case for me. I said to him I had a fee in the case of importance to me, and would be glad to share it with him. The same day, or day after, I left for Cleveland, and when I received my fee some considerable time after from my clients at Chicago, I deposited Gen. Garfield's to his credit in bank, and so wrote him.

Q. Do you know a Mr. Brown in connection with this De Golyer and McClellan matter? A. I do; Mr. Brown was the brother of Mr. Thomas Brown, who was for some time acting as Assistant Secretary of the Treasury. He was six years consul at Hamburg. He was an Episcopal clergyman.

Q. The reason I inquire is this: Mr. Cook, the book-keeper of De Golyer and McClellan, stated that a Mr. Brown had received \$10,000? A. So I afterward heard, but I know nothing of it and I have no personal knowledge.

Q. Have you any objection to stating the amount received by you? A. Not at all, sir.

Q. State the amount received? A. I received from Mr. Chittenden at the time I was retained, or within a few days afterward, I think, his check for \$5,000, with the understanding that if an award was made covering the amount of his contract that I should recover a contingent fee of \$10,000, which some time afterward was sent to me from Chicago. The total amount received by me was \$15,000.

Q. When was Gen. Garfield retained? A. He was retained by me afterwards, as I stated to the Committee, to prepare an argument to present to the Board upon the superiority of the patent and the fact that it was the best pavement.

Q. Was your argument on the legal question? A. No, sir; there was no dispute as to the patent, but there was an important question as to which, of all the patents presented, was the best one. My argument related entirely—absolutely covering the ground of the patent, and of all patents before the board; it was claimed that this patent had a peculiar virtue in curing the wood.

#### THE TESTIMONY OF MCCLELLAN AND COOK.

Robert McClellan, one of the contractors, testified as to what they understood they were paying Parsons and others for.

Q. Now when Mr. Chittenden came to Chicago,—I want you to state now, as nearly as you can what he said to you with reference to furnishing money? I would be glad to have you now, in a connected form, state the conversation between you and Mr. Chittenden on that subject. A. When Mr. Chittenden came to Chicago, he said he wanted \$100,000, but that he had arranged so that he could get along with \$97,000. I asked him what he wanted with \$97,000. He said he wanted to pay his expenses and part of the national debt.

J. S. Cooke, the attorney and business man of De Golyer & McClellan, through whose hands the accounts passed, testified as follows:

My transit account showed a disbursement of \$97,000 as follows: "May 20 Col. P." meaning Col. Parsons, "\$5,000; July 12, Bills payable, \$72,000." no explanation; "July 12, 12th R. C. P." meaning Richard C. Parsons, "\$10,000; July 12th, W. C. B.," meaning the Rev. Wm. Colvin Brown, "\$10,000."

Q. Does that show the date of this transaction? A. It shows it as it was represented to me.

#### THE TESTIMONY OF E. C. JENKINS.

De Golyer died, and his interest in the firm of De Golyer & McClellan passed into the hands of C. E. Jenkins of Chicago, with all the papers and correspondence relating to the contract at Washington. The ring after squeezing \$97,000 out of the contractors stopped their work without notice. The purpose evidently was to squeeze more money for the benefit of the friends of the ring.

Mr. Jenkins came to Washington armed with some of Chittenden's letters to De Golyer and notified Shepherd that unless their contract was renewed an exposure would follow. He exhibited some of these letters to the correspondent of the New York *Sun*, who when he was examined by the Investigating Committee repeated the substance of Chittenden's letter to De Golyer, wherein he speaks of the employment of Garfield. A copy of this letter has since been sworn to by McClellan as an exhibit in a suit brought in the Circuit Court of Cooke Co., Ill., by Chittenden against McClellan to recover money claimed to be still due him. The part of this letter which relates to Garfield is as follows:

The influence of Gen. Garfield has been secured by yesterday, last night, and to-day's labors. He carries the purse of the United States—the Chairman of the Committee on Appropriations—and is the strongest man in Congress, and with our friends my demand is to-day, not less than one hundred thousand more—two hundred in all. Everything is in the best shape, the connections complete, and, I have reason to believe, satisfactory. \* \* \* I can hardly realize that we have Gen. Garfield with us. It is rare and very gratifying. All the appropriations of the District come through him.

Mr. Jenkins was examined by the Joint Investigating Committee, and testified as follows:

Q. Mr. Jenkins, I want to call your attention to some quotations here. I will refer to a letter dated about the 1st of June, 1872, written by Mr. Chittenden to De Golyer & McClellan. Do you remember any such letter? A. I remember reading a letter written about that time, and addressed to the firm. It was written by George R. Chittenden; I know his handwriting.

Q. Can you state the substance of it? A. I can state some portions of it. \* \* \*. All those letters bear date before the 1st of June, 1872; they run along, say from the middle of January, or perhaps the 1st of February, up to the 1st of May, which I think was the last date; after that I have seen no correspondence whatever. This award was made on the 25th of June following; that last letter of the 30th of May. In that letter of the 30th of May he commenced by stating that Col. Parsons had arrived, and goes on to say that things are looking better; that he is *sure* he will get one hundred thousand square yards, and very probably another hundred thousand, making two hundred thousand in all. He writes in a jubilant vein. He says that the *influence of General Garfield has been secured, and goes on to make some statements in regard to his position in the councils of the nation*, and then passes off to other matters. Now, that is about all I recollect of that letter. \*

The day following the time when I showed that letter to Mr. Gibson, I left for Chicago the following evening. I saw him in the evening, and he requested me to let him have a copy of the letters. I told him that I had had copies of those letters myself, but that they were safe in my keeping. \*

Afterward, on thinking the matter over, I concluded that a great many wrong inferences might be drawn from statements made in those letters in connection with parties in Washington, &c., in connection with Colonel Parsons and General Garfield, and I destroyed them. I destroyed the letters and copies which I had.

Jenkins did not tell all he knew; he had something in reserve, and shortly afterwards Shepherd renewed the contract to the extent of \$120,000.

#### THE DE GOLYER BRIBE INVESTIGATED IN 1877.

General Garfield made no statement at that time in regard to his connection with the De Golyer & McClellan job. In 1877 the subject of his connection with the District Ring was inquired into by the Real Estate Pool Committee of the House. Boss Shepherd was examined. He testified in regard to the contract given to De Golyer & McClellan as follows:

Q. How was their contract procured; was it through them in person, or their agents and attorneys? A. There was a man named Chittenden who came here and spent a good deal of time lobbying—a man that I did not have much to do with, and did not think much of, because my policy was to deal directly with principals and not their agents; he was very persistent, however, and brought



a good many influences to bear. I think by importunity as much as anything else, he secured his contract, representing that the firm had large facilities for doing work; had been very large contractors in Chicago and the Northwest, and had done a great deal of work satisfactorily.

Q. You speak of influences that he brought to bear; explain what they were. A. Well, he used a good many social appliances; friends of the different members of the board and Governor Cooke especially. Governor Cooke was very anxious that they should have a trial; I think Mr. Parsons was a very great friend of Governor Cooke. Mr. Parsons was at that time marshal of the Supreme Court, and an Ohio man, and state influences, I suppose, had something to do with it. Mr. Parsons was quite persistent that they should have a trial, and I think asked Mr. Garfield to speak to certain members of the Board in regard to it.

Q. You say that Mr. Parsons spoke to Mr. Garfield? A. I presume so, from the fact that Mr. Garfield spoke to me. Mr. Garfield said that Parsons was very anxious that these people should have work, and that we had not given the Western men a show. He thought it would be well to do it; he said he had examined into the pavement, and was satisfied that it was a good thing.

Q. Was that all that was said by Mr. Garfield? A. Yes, sir; he said he had examined into the pavement—I do not know whether at that time or before—and into their manner of treating the wood, and was satisfied that it was a good pavement. I think he stated that he had been employed some years before to look into the matter, or something of the kind.

#### THE TESTIMONY OF NICKERSON.

Benjamin R. Nickerson, who was associated with De Golyer & McClellan, and was the owner of the patent process for treating the wood, testified at this time. He read first from the award of De Golyer & McClellan :

June 25, 1874, Chief Engineer was directed to prepare contract with DeGolyer & McClellan, of Chicago, for laying 150,000 square yards of DeGolyer pavement No. 2, treated by the Samuels' process, and to be laid on such streets as may be designated by the Board, and to be completed in five months, and an additional 50,000 square yards as soon as the Board are reimbursed by the general government on account of the expenditures around public buildings and grounds, and they will be allowed to lay it this season if they will wait for an appropriation, at \$3.50 per square yard.

Q. Do you know what appropriation is referred to there; is it an appropriation by Congress? A. Yes, sir; I know that fact, and there was afterwards an appropriation.

Q. State anything further that you know in reference to this transaction. A. I know all about the matter in all its phases; through Chittenden & Parsons I know of the employment of Garfield, and what he was employed for; I was in their confidence; I was a party to the transaction; I was interested in the contract itself.

Q. State the facts themselves as concisely as you can. A. In the progress of the affair Chittenden employed Mr. Parsons, with the understanding that Parsons would go to the Board and make an argument; I regarded him at the time as a kind of curbstone attorney; I did not take much stock in him, but I was informed by McClellan and by Chittenden, as near as he ever gets to telling a man anything, why they employed him; Chittenden said that he employed Parsons to "reach the man," or that he was "able to reach" the man who was perfectly and entirely powerful in obtaining for him the contract; this was after Huntington's death. First he employed Huntington and afterward employed Parsons, assuring me that Parsons could "reach the man;" I did not ask who the man was; I knew perfectly well whom he referred to.

#### GEN. GARFIELD'S STATEMENT.

Gen. Garfield came before the Real Estate Pool Committee and made a statement. He said :

"I never saw this contract before, and I want to say a word in regard to the word "appropriation" used in it. It has no more reference to Congress, than it has to Great Britain. The Board of Public Works under the general law of legislation for the District government made appropriations themselves, and taxed the people along the streets where these improvements were made, by the front foot. \*

\* The only connection that the United States had with it in reference to appropriations was this: Whenever the Board of Public Works laid a pavement on a street upon which any United States building was situated, Congress as a matter of comity, as it does in every other city in the Union, paid its quota of the assessment per front foot. That is the only relation that Congress had to any of these improvements. \*

\* I cannot be expected to explain the language of this contract, which I have never seen before, but if the chairman will look at the appropriation bills, especially in 1873, he will find that there were several appropriations made: one (\$180,000 I think) to reimburse the old Washington corporation, previous to the creation of the Board of Public Works, for work that was done around the government reservations. The old canal had been filled, and the Smithsonian grounds had been bettered by that improvement, and there was an appropriation to reimburse the old corporation for that part of the improvement which lay beside the public grounds of the United States; in that same bill there was also an appropriation made to reimburse the Board of Public Works for the government share of the improvements in front of the public buildings and grounds. A day or two before the adjournment of the Congress which adjourned in the latter part of May, or the first part of June, 1872, Richard C. Parsons, who was a practicing lawyer in Cleveland, b t was then the Marshal of the Supreme Court, and an old acquaintance of mine, came to my house and said that he was called away summarily by important business; that he was retained in a case upon which he had spent a great deal of time, and that there was but one thing remaining to be done; to make a brief of the relative merits of a large number of wooden pavements; that the Board of Public Works had agreed that they would put down a certain amount of wooden pavement in the city, a certain amount of concrete and a certain amount of other kinds of pavement; that they had fixed the price at which they would put down each of the different kinds, and that the only thing remaining was to determine which was the best pavement of each of these several kinds. He said he would lose his fee unless the brief and the merits of these pavements were made, and that he was suddenly and necessarily called away; and he asked me to prepare the briefs. He brought his papers to my house and

models of the pavements. I told him I could not look at the case until the end of the session. When Congress adjourned I sat down to the case in the most open manner as I would prepare a brief for the Supreme Court and worked upon this matter. There were perhaps forty kinds of wood pavements and several chemical analyses of the ingredients of the different pavements; I went over the whole ground carefully and thoroughly, and prepared a brief upon the relative claims of these pavements for the consideration of the Board. This was all I did. I had nothing to do with the terms of the contract; I knew nothing of its conditions, and I never had a word to say about the price of the pavement. I knew nothing about it. I simply made a brief upon the relative merits of the various patent pavements.

#### GEN. GARFIELD'S STATEMENT TOO THIN.

The weakness of Gen. Garfield's statement is three-fold.

First, he says that the Board of Public Works, under the general law and the legislation of the District Government, made the appropriations themselves. The award to DeGolyer & McClellan gives them an additional 50,000 square yards contingent upon the reimbursement of the District by the general government. They could go on and put down the pavement at \$3.50 per yard, provided they would wait for an appropriation. Language could not make it plainer. The District Ring claimed that the government of the United States should pay them a large sum of money. DeGolyer & McClellan were to have 50,000 square yards more, at \$3.50 a yard, provided an appropriation was made by Congress. It will be shown hereafter that through General Garfield's influence this appropriation was obtained.

Second, he says that all he did was to prepare a brief on the relative merits of the various patent pavements. When examined in regard to this he could not remember that he had ever filed such a brief with the Board of Public Works:

Q. I understand you to say, Mr. Garfield, that you prepared a brief after Mr. Parsons went away, and that you filed it with the Board of Public Works, is there such a brief on file? A. My impression is that I filed it, though I am not certain. I know that I stated to the Board of Public Works the points of the case.

Q. Are you certain that you filed it with anybody? A. I think I did, but I would not say positively that I did.

Q. Did you make an argument? A. I made a careful study of the case, and I stated the points to the members of the Board.

Q. Did you ever meet the Board collectively together as a Board and ever make a statement or argument upon the subject? A. I do not know whether the members of the Board were all there or not.

Governor Shepherd, when examined in regard to General Garfield's part of this transaction, did not remember that he had made any argument to the Board. He said:

Mr. Garfield spoke to me. Mr. Garfield said that Parsons was very anxious that these people should have work, and that we did not give Western men a show, and he thought it would be well to do it.

His brief, or argument, therefore, seems to have been made to Boss Shepherd, and it was that "Western men ought to have a show."

Third, General Garfield says that what he did was after Congress adjourned, after the first of June. Shepherd testified that Garfield spoke to him in regard to the DeGolyer & McClellan contract in the spring of 1872. His language is, "It must have been in the spring of 1872."

The patent pavement known as De Golyer No. 2, which General Garfield says he examined so carefully, was well known at that time to be worthless. A large quantity of it had been put down in Chicago only the year previous, and had already been condemned by the general inspector of pavements for the Board of Public Works of Chicago. Moreover, an advisory board, consisting of General Meigs, General Humphries, J. K. Barnes, O. E. Babcock and Fredlaw Olmstead, had in February, 1872, reported that, in their opinion, only one process of treating wood—the Seeley—gave promise of success, and recommended that wood pavements be laid only when some exceptional reason demanded them.

#### HISTORY OF THE SERVICES GARFIELD RENDERED THE RING.

The appropriation which the District ring wanted Congress to make, and



which is mentioned in the award to De Golyer and McClellan was for \$192,620.30, and not \$180,000, as General Garfield states. This claim which had been cooked up against the general government was without any warrant of law whatever. The Board of Public Works had submitted to the territorial legislature in May, 1872, a statement "of amounts expended for improvements abutting on property of the United States." They based this claim upon the act of Congress May 5, 1864, entitled, "An Act to amend an Act to incorporate the Inhabitants of the City of Washington." This act provided that—

In all cases in which the streets, avenues or alleys of said city passed through or by any property of the United States, the Commissioner of Public Buildings and Grounds shall pay to the duly authorized officers of the corporation the just proportion of the expense incurred in improving such avenue, street or alley, which said property bears to the whole cost thereof, to be ascertained in the same manner as the same is apportioned among the individual proprietors of the property improved thereby.

The statement made to the Territorial Legislature of the indebtedness of the United States was reported to be \$192,620.31. This amount was obtained by a plain violation of the above quoted law, which says that the government of the United States shall pay the same proportion of the cost of the improvements as the owners of private property. Private property was assessed by the Board of Public Works one-third of the whole cost of the street improved. To swell their claim against the United States the Board of Public Works charged it five sixths of the cost of the street improvements. Two-thirds of the cost of improvements, where private property alone was benefited, was charged to the general fund of the District, and paid out of the \$4,000,000 loan, as was also the one-sixth of the cost where government property bordered on one side of the street or avenue improved. By means of this five-sixths charged against the United States the Ring was enabled to assess the general government, the property holders and the general fund of the District about twice the cost of all improvements.

#### GENERAL GARFIELD, THE RING'S MOUTHPIECE.

General Garfield, as Chairman of the Committee on Appropriations, included in the Sundry Civil Bill, an item to pay this bill of \$192,620.30, which the District Ring had cooked up against the United States. When the bill came up in the House, on May 20th, for discussion. General Garfield, on being questioned in regard to the appropriation, said :

The Board made certain improvements \* \* \* \* \* opposite reservations and property owned by the United States. In every such case they have made out a full and accurate statement of the expense of grading, paving and other work done on the streets opposite such government property, and have forwarded to the President of the United States a complete statement of such expenses, and an estimate of what the government of the United States ought to pay, if it placed itself exactly in the place of the government of the District when the work is done opposite the District property. The President has forwarded this paper to the House of Representatives, and it has been referred to the Committee on Appropriations. The paper gives a detailed and specific statement of work done, and the number of square yards of paving, the number of cubic yards of grading, or any other work done, naming the square \* \* \* \*

The government, of course, is not bound at all to pay anything \* \* \* \* \* the only question is whether the United States will pay its equal share.

Mr. Randall, of Pennsylvania, pointedly inquired :

Why should we donate a sum amounting in the gross to nearly \$200,000, to a board which has shown itself to be reckless and extravagant in its operations ?

This was an inconvenient question to answer, and General Garfield did not attempt a reply. This item of \$192,620.30 was voted down in Committee of the Whole. General Garfield then brought up another item for \$68,365.

For the proportion of cost properly payable by the United States for filling up the canal and building an intercepting sewer along the side of the canal, adjoining the property of the United States, payments to be made only upon the voucher approved by the officer in charge of Public Buildings and Grounds.

This appropriation he got through, although he must have known at that time that two years previous Congress had appropriated \$50,000 for dredging and cleaning out this same canal.

## THE RING'S SENATORIAL FRIENDS HELP GARFIELD.

The item of \$192,620.30 having been struck out of the Sundry Civil Bill by the Committee of the Whole; it was renewed in the Senate by the Committee on Appropriations of that body; reduced, however, to \$150,000, with a proviso:

That only so much of the curbing and paving of sidewalks as is necessary for the side of the street adjoining the property of the United States shall be chargeable to the United States, and not more than one-third of the legitimate cost of repairing roadways and putting in sewerage shall be paid by the government of the United States.

The item of \$68,365, which had been agreed to by the House was recommended to be stricken out by the Senate Committee on Appropriations. It was renewed in the Senate by Frederick A. Sawyer, Carpet-Bag Senator for South Carolina. He said he had learned from good authority that this money was not to be spent for what it was claimed to be on the face of the bill, namely, for filling up the canal.

The appropriation, he said, is for quite another work; it is for building a sewer through the President's grounds and reservation, south of North B street, between Tenth and Eleventh streets, the District paying all balance, which largely exceeds the amount asked for from the government. When this whole work of filling up the canal is done, which was provided for by the appropriation of \$150,000, there will be about 25,000 acres of land reclaimed belonging to the government, and worth \$500,000. The present appropriation is not for this work. I have had a conference with the Commissioner of Public Buildings and Grounds (General Babcock), and he says the work was done economically, and he regards it as an entirely proper expense to be made by the government.

## GARFIELD SERVES THE RING ON A CONFERENCE COMMITTEE.

Upon this misrepresentation the appropriation was voted by the Senate. The Sundry Civil Bill containing the above item was referred to a conference committee. The report of this conference committee, dated June the 10th, signed by only four Republicans, Messrs. Garfield and Palmer on the part of the House and Messrs. Cole and Edmunds on the part of the Senate, restored \$192,620.30 for improvements in front of the government reservations, and left the \$68,365 for the intercepting sewer intact (*see Globe, page 4,495*).

The filling of the canal was an outrageous swindle on the general government. Boss Shepherd when asked by the Chairman of the Joint Investigating Committee, May 7th, 1874, what the cost to the Board of Public Works for filling the canal was, replied, "It was simply a dumping ground to get rid of dirt that we carted off from various streets which we were improving;" the earth was dumped there, and yet, as has been previously shown, the United States was called upon, first and last, to pay nearly \$600,000 for the dirt the contractors, for their own convenience, were allowed to dump in the old canal.

## THE CITIZENS OF THE DISTRICT APPEAL TO GARFIELD.

Towards the close of November, 1872, the outcry of the citizens of the District against the arbitrary and oppressive manner in which the Ring was prosecuting improvements became very loud and bitter. Congressmen returning to the capital in advance of the meeting of Congress were called upon by outraged property holders and besought to interfere. A great pressure was brought to bear upon Gen. Garfield to use his influence to restrain the power and recklessness of the Board of Public Works. He listened for a time to the complaints of the taxpayers and even promised them his assistance; in a few days it was noised abroad that Garfield would take a stand at the approaching session of Congress against the District Ring, and of course this news soon came to the ears of Boss Shepherd. According to the account of one of Shepherd's associates who was present when this information was conveyed to him, he simply remarked that he had a paper in his drawer which would keep Garfield straight, and thereupon drew out the award to De Golyer & McClellan.



## MORE SUBSERVIENT THAN EVER TO THE RING.

The services rendered by General Garfield to the District Ring at the succeeding session of Congress were as follows: On the 16th of December he reported the Deficiency Bill, which contained an item appropriating nearly a million and a quarter of dollars for the benefit of the District Ring. General Garfield said:

In order to protect the United States in its expenditure of money, the committee has put the appropriation in the following form: To enable the Secretary of the Interior to pay the expenditures made by the Board of Public Works of the District of Columbia for paving roadway and curbing and paving sidewalks, grading, sewerage, and other improvements upon and adjoining the property of the United States in the District of Columbia, \$1,241,920.92, or so much thereof as may be necessary; *Provided*, That all payments under this appropriation shall be made *only* upon vouchers approved by the officer in charge of the public buildings and grounds of the District, after full examination and measurement of the said improvements.

The Deficiency Bill, as originally prepared by General Garfield, contained no proviso in regard to the expenditure of the million and a quarter. He was forced to put in this proviso in this way: It had already been charged that the measurements on which the government had paid large sums to the Board of Public Works were false. The Hon. Samuel S. Marshall, of Illinois, a member of the Committee on Appropriations when the item above quoted was under consideration, moved that General Humphreys, Chief of the Engineer Corps, should cause all work adjoining public property to be measured, and that payments should be made upon his certificate alone, which would be a guarantee for their correctness. This was too fair to be opposed. General Garfield, therefore, adjourned the committee, consulted with the Ring, and at the next meeting brought in the proviso as above quoted, conferring upon General Babcock the exclusive power to sign the vouchers. He argued in the committee that it would be a reflection upon Babcock, who had charge of the public buildings and grounds, to assign the task to any one else, and that his certificate would be an equal guarantee.

On December 16th General Garfield made an ingenious argument in explanation of the item appropriating \$1,241,920.92. In closing he said:

"The committee have come to the conclusion to recommend an appropriation in gross covering sums set down in detail on pages 47-51 of the Report of the Board of Public Works. Gentlemen will find further the detailed statement of the number of lineal feet of curb, cubical feet of grading, and square yards of pavement, and so on, with the rate and total cost of each. The committee have come to the conclusion that it is their duty to ask the House to appropriate the sum total as the proper share that the United States ought to pay for the work done.

Mr. Holman, of Indiana, said:

I have searched every avenue of information about this Capitol, your document room, your folding room and everywhere else to ascertain data upon which it is proposed to appropriate this million and a half, and I cannot find any scrap of information bearing upon the subject. It may be that the Committee on Appropriations are possessed of certain private information of their own, but the public sources of information about this Capitol furnish no data. I have seen upon the desk of the gentleman from Ohio (Mr. Garfield) a blue covered book which seems to be a public document, but I venture to say that up to this hour not a dozen members upon this floor have had access to this document to which the gentleman has reference. Will the gentleman say that that report is one of the public documents within the reach of every member of this House?

Mr. Garfield: I suppose it to be a report made to the president and by him submitted to Congress.

Mr. Holman: Does not the gentleman know that it is not a public document?

Mr. Garfield: It is a document submitted to Congress by the president, and one to which he calls attention in his message. There can be no more public document than that.

Mr. Holman: Will the gentleman tell us where we can get a copy?

Mr. Garfield: I suppose it can be obtained at the folding room.

Mr. Holman: It is not at the folding room.

This document known as the report of the Board of Public Works, was privately printed. The detailed statement of the work around government property for which this money was asked was subsequently proved before the Joint Investigating Committee of the Forty-third Congress to be false in every item. The Ring knew this and therefore had printed only a few copies for use of the appropriation committees of the two Houses.

This proviso was intended to shut the gates down, and framed precisely with

the sentiment expressed by Mr. Garfield only the day before. What did he do? Let the *Globe* answer.

#### MAKES A POINT OF ORDER.

Mr. Garfield: I make the point of order on that amendment, *that it changes the law in regard to the board.*

Mr. Holman: It is exactly in accordance with what I understood the gentleman to state was the law.

Mr. Farnsworth: It certainly does not change the law.

Mr. Holman: It simply prohibits expenditures hereafter beyond the appropriations made.

Members could not stultify themselves in presence of what had occurred, and Mr. Holman's amendment was carried by a majority of thirteen. Still General Garfield did not give it up, and when the bill went into the House, he tried to rally his forces again to defeat the proviso.

The Speaker: The amendments are reported. Is a separate vote demanded on each?

Mr. Garfield: *Only* on that adopted in committee on the motion of the gentleman from Indiana (Mr. Holman).

The question being taken on Mr. Holman's amendment, it was agreed to—yeas 77, nays 53.

That was the great entering wedge of the Washington Ring's plunder, so far as the public treasury was concerned. Mr. Garfield engineered the scheme from first to last, with all the power which his position gave him as one of the leaders of the House in shaping legislation, and as chairman of the committee holding the purse strings of the nation, to be tightened or loosened by his will. Chittenden, the lobbyist of the corrupt contract, did not misjudge his character or his strength, when he "retained" him through Parsons, and wrote rejoicingly to De Golyer that success was certain after Garfield's "influence" had been made certain. And Shepherd, who gave out the contract for this and other considerations, knew well how good a bargain he had driven.

#### IN THE SENATE.

The foundation being thus laid, the Ring next turned to the Senate for the prosecution of their venal plans. In that body they had powerful support in the Senators who were partners in the "Real Estate Pool," like W. M. Stewart of Nevada, and others linked in with various forms of speculations. The Committee on Appropriations was absolutely in their hands, as was that on the District of Columbia, then headed by Patterson of New Hampshire, who was repudiated and disgraced because of his connection with these robbers.

After the amendment of the House forbidding any further expenditures without previous appropriation, it was necessary to change the tactics, as the fact was too fresh in the mind of Congress and of the public to be treated with open defiance. Discussion was also to be avoided, for that would attract notice and comment, with the certainty of being fatal. Whenever the lobby are harassed and threatened with this sort of danger, they carry their job to the Senate, get it attached to an appropriation bill which is held back to the closing days, or smuggle it into a conference committee packed to order, cut off debate by the previous question, and then threaten an extra session, unless their corrupt legislation is adopted.

#### BACK IN THE HOUSE.

The Ring adopted this game and knew how to play it to perfection from long familiarity. They had the advantage, too, of stocked cards. The Sundry Civil Appropriation Bill was then pending. There was a disagreement on some of the items, and the usual conference committees were appointed. A. A. Sargent, a sort of lieutenant of Garfield, was chairman on the part of the House. On the



1st of March—one day before the adjournment of Congress, as Sunday intervened—this bill was reported from the conference committee. In presenting it Sargent said:

The important amendments put on by the Senate are those relating to District appropriations.

They were composed of four items and footed up \$2,199,533, in addition to the \$1,241,920.92 which had been granted only six weeks before. Great indignation was excited in the House by this daring imposition. Mr. Beck, Mr. Burchard, Mr. Crebs, Mr. Roosevelt, and others denounced it in fitting terms. The bill was then postponed until the 3d of March, the last day of the Forty-second Congress.

It was shown by a report from the District of Columbia Committee, in reply to questions addressed to the Board of Public Works only four weeks previously, that "no further sum will be required to complete the work undertaken, and for which liabilities have been incurred." But that positive declaration, like the restrictive proviso of the House on the former appropriation, produced no effect whatever. The screw was turned and opposition was useless. Mr. Holman made a last endeavor, by a parliamentary motion, to reject the report and reopen the question. It was answered by a rally of the party, with the following result:

#### THE RECORD THAT DAMNS.

The question being taken on the motion of Mr. Holman to reconsider the vote ordering the main question, there were yeas 67, nays 129, not voting 44.

#### GENERAL GARFIELD VOTED NO.

That test vote substantially decided the question, though another attempt was made in behalf of honesty before the final formalities were completed. Mr. Beck earnestly appealed to the House, but in vain.

We ought now to reject this conference report, in order that all the new legislation may be stricken out of it, and all items rejected which we have not a chance of considering in this House. Let us order our committee to go back to the Senate and say to them that if there be new legislation, *the champions of which do not dare to come here and ask us to consider it*, we cannot allow them to put it on in the *expiring hours* of the session by *amendments stated only by numbers*; the members of the House not having a chance of saying anything against or knowing anything of the legislation they are called upon to pass.

General Garfield is directly responsible for thus voting away three and a half millions of the people's money between the 8th of January and the third of March, 1873, the bulk of which was distributed among the chiefs and confederates of the Washington Ring. He initiated this infamous system. He certified the acts of Shepherd as in accordance with law. He advocated the claims of these plunderers as just and meritorious. He abused his trust to help their rascality, and he falsified the record in order to mislead the House.

#### "BABCOCK'S LIGHTNING CALCULATIONS."

The Deficiency Bill passed on December 19th. Mr. Holman, of Indiana, after repeated efforts finally succeeded in having a proviso inserted, that the Board of Public Works:

Be and the same are hereby prohibited from incurring or contracting further liabilities on behalf of the United States in the improvement of streets, alleys, avenues and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contracts touching said improvement on behalf of the United States, except in pursuance of appropriations made by Congress.

Gen. Babcock made quick work of the measurements he was directed to make by Congress. The deficiency bill did not become a law until Jan. 8, but on Jan. 10, two days later, an account footing up to \$2,240,920.84, with the approval of Gen. Babcock attached, certifying that he had had the proper examination made, the measurements verified and prices approved, was presented at the Treasury De-

partment. It was a voluminous document, containing several thousand items of measurement, but nevertheless it passed the first auditor and first comptroller, and reached the warrant division on the same day. The next day, Jan. 11, the assistant secretary issued three warrants for that sum of money, which were registered by the register of the treasury, and handed over to Gov. Cooke.

The Hon. Robt. B. Roosevelt, of New York, who was prevented by sickness from attending the session of the House during the debate on this appropriation, made on Jan. 24, a vigorous onslaught on the Board of Public Works, and he charged and proved by irrefutable facts, that their detailed statement of the cost of the work alleged to have been done around government property was false in detail and in gross.

#### SAWYER AND SARGENT REWARDED.

For the services that Senator Sawyer had rendered to the Ring, his appointment as Assistant Secretary of the Treasury was secured by Shepherd's and Babcock's influence with the President. In the following year, however, he was, after having been detected in procuring the payment of several fraudulent claims, forced to resign by Secretary Bristow. On the 15th of March, the treasurer of the Board of Public Works presented at the Treasury Department the first batch of Babcock's measurements under the new appropriation, amounting to \$1,113,598.73. On the same day, Hallet Kilbourne, the trustee of the Cooke branch of the Real Estate Pool and the middle man of the contract pool, made the following deed, as per record: "Hallet Kilbourne, trustee to Aaron A. Sargent; deed executed March 15th, 1873; recorded March 22d, 1873, in Liber 712, folio 333, lots 1 and 2 in square 136; consideration of \$22,000." These lots front on the square at the intersection of Connecticut and Massachusetts avenues, which was christened "Pacific Place" by Babcock, to tickle the fancy of the chiefs of the Pacific Coast Ring, who were about to colonize the vacant land thereabouts under the lead of "Emma Mine" Stewart, who was then erecting on the north side of the circle a proud castle, which soon came to be known as "Honest Miner's Camp." The modest homestead conveyed to Sargent contained 24,521 square feet; \$5,500 were to be paid in cash; the rest was secured by notes running one, two and three years. These notes were never paid, and in the summer of 1875 Shepherd gave him in exchange for the same a house and lot at the corner of Connecticut avenue and De Sales street.

#### GARFIELD'S SERVICES COULD NOT SAVE THE RING.

The District government was bankrupt. The vast appropriations which they had received through the influence of Garfield and Sargent in the House, and Sawyer in the Senate, brought but temporary relief. The District legislature authorized the issuance of two millions of dollars of assessment certificates. The First National Bank of New York, in which the Cookes were interested, took \$800,000 of these securities at 97 cents. John O. Evans, and some favorite contractors, made an arrangement with this bank, by which the auditor's certificates, which were given for work done, were turned in to the treasurer of the Board of Public Works, who issued to the bank for them certificates of assessment. But even these two millions of illegal securities, thus floated, were insufficient to meet the pressing demands of the Ring. The subservient District legislature was directed to authorize the issuance of sewer bonds, and an act to this effect was passed. It divided the city into sections, without any regard to the topographical features of the ground within the corporate limits, and notwithstanding main sewers, providing ample drainage for all of these sections, had been



nearly completed, and the cost for the same charged against private property, and the United States. It was proposed under this act to levy a general tax to pay for work already done and nearly paid for. The act was iniquitous. Whole squares of ground, submerged at low tide, were assessed at double and treble their actual value, while the vast tracts of land traversed by splendid avenues and partly paved streets, which had been gobbled up by the Real Estate Pool, escaped with a nominal assessment. The total cost of these main sewers had not exceeded \$2,500,000, yet it was deliberately proposed, in addition to levying a general tax upon all private property, to charge up against the United States, as its proportion of the taxes, \$2,740,681.83.

#### THE RING FRAUDS INVESTIGATED.

The passage of this act by the Legislative Assembly was the last feather that broke the camel's back. The citizens began to organize and collect evidence of the misdoings of the ring. The measurements which General Babcock had certified to be correct, were remeasured by competent engineers, and found to be glaringly false in every instance. When Congress reassembled in December, a memorial was presented to both Houses, demanding an investigation. Every effort was made to prevent it, but public sentiment was too strong to be resisted, and the investigation was ordered. Prior to this, however, the Board of Public Works had cooked up another claim against the United States, for work done about government reservations, the avenues and for main sewers, and coolly demanded \$4,370,427.94. This demand was made in defiance of the provision which Mr. Holman had succeeded in placing upon the deficiency bill, heretofore referred to, forbidding the Board of Public Works to incur or contract further liabilities against the United States, unless authorized by act of Congress.

The investigation was made by a joint committee of the two Houses. Notwithstanding every obstacle was placed in the way by the Ring, the exposures threatened to be so damning that they resorted to a desperate expedient intended to blacken the character of those who were prosecuting them. To accomplish this, one of the darkest crimes of the age was deliberately planned by members of the Ring, and perpetrated by criminals employed by them through the secret service division of the Treasury Department. It occurred on the night of the very day upon which the counsel for the citizens announced to the committee that they had closed their case. Briefly stated the prominent facts connected with this damnable villany, are as follows: A number of the principal citizens were in the habit of meeting nightly at the house of Mr. Columbus Alexander, to hold consultations among themselves and with their attorneys. An operative in the Secret Service force was detailed by the chief at the special request of Gen. Babcock and Richard Harrington, to concoct a plot by which he could entrap Mr. Alexander and the gentlemen who were in the habit of meeting with him at his house, into receiving books and papers which were without the knowledge of the gentlemen to be stolen from the office of the District Attorney. The detective managed, after trying several weeks, to make the acquaintance of Mr. Alexander, and represented himself as a former book-keeper of John O. Evans. In the interview which he had with Mr. Alexander he stated that the books of Mr. Evans which had been produced before the committee were forgeries, and that the real books were in his possession, and would show that enormous frauds had been perpetrated by Evans with the consent and connivance of Shepherd. These books he offered to produce and turn over to the citizens. At first he demanded money; but this was sternly refused, whereupon he said he was an honest man and desired to ex-

pose the frauds, and would turn over the true books of Evans without any compensation. This proffer was accepted, and Mr. Alexander immediately notified two members of the Investigating Committee of the proposition that had been made to him.

#### PUTTING UP THE SAFE BURGARLY JOB.

On Wednesday, the 21st of April, Harrington, accompanied by John O. Evans, carried the account books from his office on Pennsylvania avenue, to the District Attorney's office and locked them up in his safe. On Thursday night, April 22d, a professional burglar named George E. Miles, with an assistant, entered the District Attorney's office, blew open the safe, took out the books of Evans, which were carried to Mr. Alexander's house by the assistant burglar. Harrington, on Thursday, had notified the police authorities that he had reason to fear that a burglary was going to be committed in the District Attorney's office, and had the entire detective force of the city stationed about the building in which the office was located. The superintendent of police was there in person, and also the chief of the detectives. The burglars entered the building about ten o'clock in the evening, and carried with them the tools to be used in breaking open the safe. They were seen to enter and the superintendent of police wanted to arrest them at that time, but Harrington objected. They passed out and returned later, and after hammering away at the safe for several minutes, finally blew it open, the report being so loud that it attracted the attention of the people living in the neighborhood. The two burglars walked boldly out of the front entrance of the building and one of them was suffered to slip quietly away while the detectives accompanied by Harrington, a brother of Shepherd and a fellow named A. B. Williams, an intimate associate of Harrington, followed the other who carried the books to Mr. Alexander's house. On the way thither, the burglar lost his way and Williams pointed out the road and directed him to the house. Mr. Alexander and his entire family were in bed sound asleep, and providentially, all the noise of pounding at the door and ringing of the bell by the burglar did not awaken a single one of the inmates. After he had been suffered to continue his efforts to awaken the inmates for fifteen or twenty minutes, the superintendent of police finally arrested him and took him to police headquarters, where he was locked up. A few days later this villian was, through a fellow named Sommerville, with whom Harrington had made the arrangement, procured to make an affidavit in which he asserted that he had been employed by Mr. Alexander to blow open the safe in the District Attorney's office, and bring the books of Evans to his house. This affair was subsequently investigated by the Joint Committee, and after Harrington, Williams and the officers of the Secret Service division had committed perjury over and over again, the detective who had been instructed to put up the job came forward and made a clean breast of the whole transaction.

#### GRANT INVITES THE CRIMINAL FROM THE DOCK.

The Hon. Benjamin H. Bristow having been made Secretary of the Treasury, the whole matter was referred to him by the committee for further investigation, and he turned it over to Hon. Bluford Wilson, who was afterward appointed Solicitor of the Treasury. Mr Wilson succeeded, after a patient investigation, in discovering the most complete and irrefutable proofs of the connection of Col. Whitney, chief of the Secret Service Division, his first assistant I. C. Nettleship, Richard Harrington and A. B. Williams, with this damnable conspiracy to ruin an innocent man. The Hon. A. G. Riddle was appointed a special assistant attorney-general to prosecute these parties in the criminal court of the District.



They were indicted, and after some delay brought to trial, when the most desperate efforts were made by the Ring, assisted by the United States Marshal, Alexander Sharp, a brother-in-law of the President, to secure their acquittal. The President himself lent his influence to secure the same result. During the progress of the trial he invited Harrington to a reception given at the White House, thus giving notice to both court and jury that he considered the criminal in the dock had not been guilty of any offence which deserved public condemnation. Although the jury had been, as far as possible, packed by the marshal, it failed to acquit the conspirators. At the beginning of the first session of the Forty-fourth Congress, Col. Whitney, Nettleship, Somerville and all the other parties, including the burglar came forward and confessed their connection with this crime and furnished still further evidence implicating Harrington, and also connecting Gen. Babcock directly with this infernal conspiracy.

Gen. Babcock was indicted and tried but through the influence which dominated the court of the District, he was acquitted. Harrington is still a fugitive from justice, and has never dared to stand a second trial.

#### THE REPORT OF THE JOINT INVESTIGATING COMMITTEE.

Every conceivable influence was exerted to operate on the joint committee, in order to protect the Ring from full exposure and punishment. To save them it was first indispensable to whitewash their associates, or at least to withhold censure.

Mr. Allison, the chairman of the committee, had been tainted darkly with Credit Mobilier, as one of Oakes Ames' beneficiaries. They knew how to touch his sympathies and his interests. He was won over. Other Republican members were implored, on account of the injury to the party at the fall elections, to moderate their just resentment at these enormities, and be content with dismissing the whole concern. A promise was given that the President, under no circumstances, would appoint Shepherd to any new office that might be created.

Under this and other pressure, combined with the fear of some that a division in the committee would prolong the misrule and prevent any legislation, the original report was materially modified in its stern expression. But that did not alter the facts or change the crushing testimony. Yet, with all these sinister causes operating, that report says:

#### FAVORITISM IN CITY CONTRACTS.

This opened the way for favoritism in the letting of contracts, and for a system of brokerage in contracts which was demoralizing in its results, bringing into the list of contractors a class of people unaccustomed to perform the work required, and enabling legitimate contractors to pay large prices in order to secure contracts, and, in the opinion of your committee, was the beginning of nearly all the irregularities disclosed in the testimony in the letting of contracts. Any system which would enable an adventurer to come from a distant city, and in the name of a contracting firm make proffers of 50 cents per yard to any person having or supposed to have influence with the board, whereby a paving contract could be secured, and after persistent effort succeed in securing a contract, and actually binding his principals, the contractors, to pay \$97,000 for a contract of 200,000 yards of pavement, after an effort of five months to secure it, the gross amount to be received being only about \$700,000, in its nature must be vicious, and ought to be condemned.

#### BOSS SHEPHERD THE BOARD OF PUBLIC WORKS.

##### Again the report says:

Pursuant to this authority, for no other seems to have been relied upon, the Vice-President (Shepherd) ultimately came to be, practically, the Board of Public Works, and exercised the power of the board almost *as absolutely as though no one else had been associated with him.*

During a considerable portion of the succeeding time, notwithstanding the most extensive operations were being carried on, and expenditures were being made by the millions, there were no stated times for board meetings, and but comparatively few board meetings were in fact held, but entries were made in the record purporting to contain the proceedings of the board, which were, in fact, made up by the Secretary from letters and papers that came to the office, and from directions made by the Vice-President (Shepherd). Some of these were entries made of business transacted by the Vice-President (Shepherd) at his private office, and afterwards placed on the records as having been business transacted by the board.

These minutes were rarely, if ever, read and approved.

## FALSE CLAIMS AGAINST THE UNITED STATES.

Of the claim of \$4,500,000, which the Board of Public Works presented to Congress against the United States, the report says:

It was undoubtedly widely wrong, and whether there is anything that appears in it that can be, with any propriety, charged to the United States, is exceedingly doubtful, excepting it may be the amount of \$248,240.72, and the accuracy of that can only be ascertained by a remeasurement.

Of the item for \$2,740,681.83, as the government's proportion of the cost of the main sewerage, the report says:

All the main sewerage of the city, when completed, will cost \$2,435,835.23, so that this charge against the government for main sewerage is \$304,826.60 more than the whole cost.

In speaking of the manner in which the accounts against the United States were manufactured, the committee instanced the acts of January 8 and March 3, 1873, which Gen. Garfield, aided by Sargent of Ohio, and Sawyer in the Senate, had engineered through, whereby \$3,448,933 were obtained from the national treasury. The report says:

These acts were founded on accounts presented by the District for work said to be done, and for which it was alleged that the government of the United States was equitably liable. The testimony taken by your committee, and a scrutiny of the reports of the Board of Public Works, convinces your committee that those accounts were unreliable and inaccurate, and that the provisions of the law requiring their verification were not complied with according to their letter and spirit.

## RING BOOKKEEPING.

Again the report says:

The treasurer was made the sole custodian of all the moneys received and securities issued, and the sole disbursing officer of the same, without any check upon him whatsoever. He could draw his checks upon the public moneys in favor of whomsoever and for any amount he chose, and on any account he might think proper, without any other member of the board or officer thereof, having any knowledge of it whatever. He has kept no cash account, and the checks he has issued do not correspond with the several amounts reported by him to have been paid; so that there is, as he himself concedes, no means of ascertaining whether his accounts are correct, other than by examining his books and papers in detail, which would have required more time than the committee could devote to it, besides requiring the services of a skillful accountant. From the organization of this board, June, 1871, to this time, the board has not examined these accounts.

The mode of doing business in this office was as follows: Upon the presentation to the auditor of an account or estimate purporting to be approved by the Board of Public Works, the auditor issued a certificate of indebtedness, and filed the approval, account, or estimate as his voucher for the issuance of the certificate. But no record or register of such auditing by the board was kept by the board, and it would seem to have been common for a single member (Shepherd), to direct accounts to be audited in the name of the board; consequently, there are no books that serve as a check upon the auditor, and by the comparison of which with his own books, it can be seen whether he has improperly issued certificates.

Notwithstanding the powers of the auditor and of the treasurer, the board during the three years it has been in existence, has done nothing in the way of verifying the accounts of these two officers. This is a negligence not to be excused in those in whom such important trusts were confided.

Whether moneys have been paid out on false accounts, or diverted to improper purposes, can only be determined from a careful scrutiny of the accounts in detail.

## THE LEGACY THE RING LEFT THE DISTRICT OF COLUMBIA.

The legacy of debt which the Ring left the citizens of the District of Columbia, is one that will burden their descendants to the latest posterity, and will continually drain the federal treasury. The organic act establishing the territorial form of government for the District, limited the debt to \$10,000,000. The joint investigating committee of the forty-third Congress, found from the best data then attainable that the Ring had exceeded this by \$8,000,000, and in addition, left a floating debt which has been found to be \$11,497,961.13. During a period of five years from July 1, 1871, to July, 1, 1876, there has been collected in taxes from the people of the District, and in money realized on bonds issued, \$31,593,981.75. In addition to this, there has been received from the federal treasury \$11,247,608.46, making a grand total expended in five years of \$42,841,590.21.

The present debt of the District of Columbia, according to the report of the Sinking Fund Commission of Nov. 29, 1879, is \$21,723,712.91.

## A DEMOCRATIC PRESIDENT THE PEOPLE'S ONLY HOPE.

Congress, startled by the exhibit of Ring rascality, made by the joint investi-



gating committee in 1874, wiped out the Ring government and established a new one. Three commissioners nominated by the President, and confirmed by the Senate, are the autocrats who rule the people of the District of Columbia. Their administration has been an improvement upon that of the old Ring, but it is far from being efficient and economical. It has been more or less under the old Ring influence. The Treasurer of the United States has accused them of various shortcomings, and an investigation by the District Committee of the House of Representatives last winter developed grave scandals. The Ring government had made excessive assessments for street improvements, and Congress provided that they should be reimbursed. In executing this law, the commissioners issued what were known as drawback certificates. It appears from the testimony taken last winter by the House committee that almost every kind of crime was committed by the employees of the District commissioners.

If there is ever to be a reformation in the administration of the affairs of the District of Columbia, it must come either by Congress establishing a new form of government, or by the election of a President of the United States who will appoint honest men as commissioners.

The *New York Independent*, the leading religious paper of the United States, said, in 1874, of Gen. Garfield's connection with the District of Columbia frauds :

The testimony taken in the investigation of the District of Columbia frauds, shows that Mr. Garfield received \$5,000 for his aid in getting through a paving contract accepted by the District government. A Mr. Parsons, a notorious jobber, made an argument for the paving company and then got Mr. Garfield to make a further argument, and to use his personal influence in its favor.

Of course Mr. Garfield's argument was successful. How could it be otherwise? He was Chairman of the Committee on Appropriations. Every cent of money voted to the District had to come through him. Shepherd could not afford to refuse him anything he asked. Mr. Garfield knew it when he asked and received for his services a fee which would have been grossly extravagant but for his official position.

#### MR. GARFIELD DENOUNCED BY HIS REPUBLICAN CONSTITUENTS.

(Resolutions passed by Republican voters of the Nineteenth Congressional District of Ohio, in convention assembled, at Warren, Ohio, on the 7th day of September, 1876.)

*Resolved*, That we arraign and denounce him [Garfield] for his corrupt connection with the Credit Mobilier ; for his false denials thereof before his constituents ; for his perjured denial thereof before a committee of his peers in Congress ; for fraud upon his constituents in circulating among them a pamphlet purporting to set forth the finding of said committee and the evidence against him, when, in fact, material portions thereof were omitted and garbled.

\* \* \* \* \*

*Resolved*, That we further arraign and charge him with corrupt bribery in selling his official influence as chairman of the Committee on Appropriations for \$5,000 to the De Golyer pavement ring, to aid them in securing a contract from the Board of Public Works of the District of Columbia ; selling his influence to aid said ring in imposing upon the people of said District a pavement which is almost worthless at a price three times its cost, as sworn to by one of the contractors ; selling his influence to aid said ring in procuring a contract to procure which it corruptly paid \$97,000 "for influence ;" selling his influence in a matter that involved no question of law, upon the shallow pretext that he was acting as a lawyer ; selling his influence in a manner so palpable and clear as to be so found and declared by an impartial and competent court upon an issue solemnly tried.

## THE DE GOLYER FEE.

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THE RECORD OF THE CASE IN THE CHICAGO COURTS. THE CONTRACT DECLARED  
ILLEGAL AS AGAINST PUBLIC MORALS, BY JUDGE FARWELL.

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The following is substantially a true abstract of the case, so far as it bears upon the action of General Garfield.

May Term, 1875—Before Farwell, Circuit Judge.—No. 12,181.

*State of Illinois, Cook County Circuit Court.*

George R. Chittenden *vs.* Robert McClellan, *et al.*

The plaintiff, by E. A. Storrs, Esq., brought suit against the defendants, upon a contract by which they agreed to pay him one third of all the profits upon all paving contracts, which he would obtain for De Golyer & McClellan, from boards of public works, in Eastern cities. The declaration alleged that he obtained a contract for paving 200,000 square yards from the Board of Public Works of the District of Columbia, at \$3.50 per yard, when it would cost only \$1.50 to lay it down. That the profits would be \$400,000, and the plaintiff claimed the defendants should pay him \$100,000, at least, and he claimed a judgment for that sum. Besides the general issue—

The defendants pleaded in substance the following SPECIAL PLEAS :

1st. That the contract was *void on its face*.

2d. That it was obtained by the plaintiff by *improper influences*—against public policy, and therefore was void. Amongst other things the second special plea set out “that then and there, and while the matter was pending and undetermined before the said board, he (the plaintiff) did pay to one Richard C. Parsons a large sum of money, to wit : the sum of ten thousand dollars, he then and there being an officer of the United States, to wit : Marshal of the Supreme Court, to apply to said board, and the individual members of said board, to obtain the award of said contract ; and also then and there did employ, or caused to be employed, J. A. Garfield, then and there a member of the House of Representatives, and Chairman of the Committee on Appropriations of said House, to appear before the said Board, and before the individuals composing the same, to solicit and urge upon said board the award of said contract, and in consideration of his said employment and services and official influence then and there rendered, the said plaintiff did pay, or cause to be paid, illegally, improperly and against public policy, a large sum of money, to wit : the sum of five thousand dollars ; and then and there, and in part by means thereof, the said Board of Public Works were moved and induced, illegally, improperly and against public policy, to make the said award, which said award, amongst other things, contained the following clause or condition, viz. :



“‘An additional amount of fifty thousand square yards will be awarded you,’ [the defendants meaning] ‘so soon as the Board are reimbursed by the general government on account of expenditures around the public buildings and grounds, or you,’ [the defendants meaning] ‘will be allowed to lay it this season if you can wait until an appropriation is made for this purpose,’ [meaning an appropriation by Congress], ‘at three dollars and fifty cents per square yard.’ And the defendants aver that, then and there, and by the terms of the said award of said contract, fifty out of the two hundred thousand yards so awarded were made to depend upon a future appropriation of money to be made by Congress; that then and there, by the usual course and practice of the House of Representatives, all bills for such appropriations would be referred to, and reported from, the Committee of Appropriations, of which the said Garfield was a member, and the chairman thereof,—the said plaintiff, and the said J. A. Garfield and the said Board of Public Works, severally, then and there well knowing that the said J. A. Garfield did, could and would, from his official position, exert a potent influence in procuring such appropriations by Congress for the purpose mentioned in said award; and the defendants say, that by means of the said premises, the said award of contract mentioned in the said declaration was then and there illegal, improper, against public policy and void. And this the said defendants are ready to verify; wherefore they pray judgment if the said plaintiff ought to have or maintain his aforesaid action thereof against them.”

3d. In another and further special plea, the defendants, amongst other things, alleged as follows:

“That sometime in the latter part of May, 1872, and while the Congress of the United States was in session, and before any appropriation for that year had been made by that body for improvements to be made in the streets of Washington, in the District of Columbia, the plaintiff then and there represented to the said De Golyer and McClellan, that through one R. C. Parsons (then marshal of the Supreme Court of the United States), he had secured the influence of General James A. Garfield (then a Representative in the House of Representatives in the Congress of the United States, and Chairman of the Committee on Appropriations of the said House of Representatives), to be used in behalf of the said De Golyer & McClellan in the application for pavement contracts from the Board of Public Works of the District of Columbia; that by letter dated at the Arlington House, Washington, District of Columbia, addressed to said De Golyer & McClellan at Chicago aforesaid, he stated among other things that Col. Parsons had arrived; that ‘the influence of General Garfield had been secured by yesterday, last night, and to-day’s labors; he carries the purse of the United States—the Chairman of the Committee on Appropriations, and is the strongest man in Congress and with our friends. My demand is to-day *not* less than one hundred thousand more—two hundred thousand in all. Every thing is in the best of shape—the connections complete, and I have reason to believe satisfactory.

“‘The model is in Gen. Garfield’s house—sent there last night;—note, you will be ready to leave on the first train when telegraphed to. I can hardly realize that we have Gen. Garfield with us. It is rare, and very gratifying. All appropriations of the district come from him.”

The plea then avers that Garfield appeared before said board as set out in former plea, that the award of said contract with the conditions as set out in the other plea, was made, and goes on to aver:

“That then and there the said J. A. Garfield was a member of the House of Representatives, in which all bills to appropriate money originate; that he was

then and there Chairman of the Committee on Appropriations of the House of Representatives, to which committee, by the rules and practice of said House, all bills to appropriate money to be expended in the said District of Columbia must be and are referred; that then and there it was well known to the said Richard C. Parsons, James A. Garfield, Alexander R. Shepherd, the plaintiff, and the said De Golyer & McClellan, that the said J. A. Garfield then and there, and thereafter, in his official character as a member of said House of Representatives, and as chairman of the said committee, did, could and would exert and exercise a potent influence in and upon the said committee, and upon the said House of Representatives, in reporting to and passing through said House bills to appropriate moneys to be expended in the said District of Columbia, in and upon the said pavements to be awarded by the said Board of Public Works.

"The defendants aver that then and thereby, and by means thereof, the said A. R. Shepherd, as a member of said board, and the said Board of Public Works was moved and induced to make, and, in fact, did make the said award and contract above set out and described in the declaration, and not otherwise.

"And these defendants further say: that afterwards, to wit, on the 10th day of July, 1872, at Chicago aforesaid, in consideration thereof, and of the services and official influence rendered and given as aforesaid by the said James A. Garfield, and the said R. C. Parsons, the said De Golyer & McClellan made their certain draft for ten thousand dollars, and delivered the same to the said Parsons, at Cleveland, which said draft was duly paid, that then and there the one half, or the sum of \$5,000, was paid to the said J. A. Garfield for his services and official influence &c.; that it was to be paid as a contingent fee, and was to be paid only upon the condition that the said award should be granted by the said Board of Public Works, and not otherwise, as was then and there agreed between the said plaintiff and the said Parsons for himself and for the said Garfield.

"And these defendants further say, that afterwards, at Washington aforesaid, the said Committee on Appropriations did recommend the passage, and the House of Representatives did pass, a bill appropriating large sums of money, which said bill passed Congress, and was approved January 8, 1873, for the sum of \$1,241,920.92, out of which said sum the said Board of Public Works were authorized to pay the said sum of money agreed to be paid by said contract and award.

"And the said defendants further aver that the award was, in fact, mainly procured by the official influence of the said Garfield alone.

"And the defendants say that by means of the premises the said award and contract were then and there illegal, improper, against public policy, and void, &c.—And this the said defendants are ready to verify, &c., wherefore, they pray judgment," &c.

#### STATEMENT OF DEFENDANT'S COUNSEL.

When the matter came on to be heard, I, as counsel for the defendants, submitted a brief in writing, of which the fourth, fifth, and sixth points are as follows, viz.:

4th. The pleas are good. They set out in substance that the contract was obtained by the plaintiff of the Board of Public Works of the District of Columbia by improper influences. That the contract was in part to the amount of 50,000 square yards, upon its face, contingent upon a future appropriation to be made by Congress; that the plaintiff employed James A. Garfield, then being a member of Congress and Chairman of the Committee on Appropriations of the House of Representatives, agreeing to pay him a contingent fee of \$5,000, provided he would obtain the said contract of the Board of Public Works; that by his influence and persuasion he did procure the same, for which he received the



sum of \$5,000; that afterwards a bill was reported from the committee of which he was chairman, and did pass the house, and passed Congress and became a law, appropriating the sum of \$1,241,000. out of which the pavement under said contract could be paid for by said Board of Public Works; that the plaintiff and the defendant, and the said Garfield and the members of the said Board of Public Works, well knew at the time of his said employment, and at the time of his service in procuring said contract, that said Garfield, from his official position, did and would have a potent influence in procuring the passage of such appropriation to carry such contract into effect by said Board of Public Works; and that by means of the premises the said contract was, in fact, obtained by improper influences, against public policy, and is void.

5th. It is no sufficient answer to say that Garfield was at the same time a member of the legal profession. His being a member of Congress at the same time, any employment as counsel upon a contingent fee or otherwise to obtain a contract from a board of public officers, dependent upon the future action of Congress to fulfill, is against public policy, and is void.

6th. That the plaintiff Chittenden well knew, and *intended*, that the influence of General Garfield as a member of Congress was to be used in procuring the contract rather than his arguments as a counsellor-at-law, is evident from his letter to the defendants, set out in their special plea, in which he says: "The influence of General Garfield has been secured by yesterday, last night and to-day's labors. He carries the purse of the United States—the chairman of the Committee on Appropriations—and is the strongest man in Congress and with our friends. My demand is to-day not less than one hundred thousand more—two hundred in all. Everything is in the best shape, the connections complete, and I have reason to believe satisfactory. \* \* \* I can hardly realize that we have General Garfield with us. It is rare, and very gratifying. All the appropriations of the District come from him."

In the recent case of *Burke vs. Child*, not yet reported (May, 1875), decided at the last October Term of the Supreme Court of the United States, Mr. Justice Swayne, in a very able opinion, reviews all the cases, and holds: That a contract, express or implied, for purely professional services is valid. Within this category he includes drafting a petition, attendance on taking testimony, collecting facts, preparing arguments and submitting them, orally or in writing, to a committee or other proper authority.

But such services are separated by a broad line from personal solicitation and from official influence.

The agreement with Gen. Garfield, a member of Congress, to pay him \$5,000 as a contingent fee, for procuring a contract which was itself made to depend upon a future appropriation by Congress, which appropriation could only come from a committee of which he was chairman, was a sale of official influence, which no veil can cover, against the plainest principles of public policy. No counselor-at law, while holding high office, has a right to put himself in a position of temptation; and, under pretense of making a legal argument, exert his official influence upon public officers dependent upon his future action.

Certainly the courts of justice will never lend themselves to enforce contracts obtained by such influences.

The court [Judge Farwell presiding] overruled the demurrer; held the special pleas to be good; and, that the contract was void as against public policy. That ended the case.

Respectfully yours,

J. R. DOOLITTLE.

## THE SANBORN FRAUDS.

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A Republican Congress passed an act approved June 21st, 1870, which authorized the Secretary of the Treasury to make contracts with persons having knowledge of money due to the United States for its collection. This law turned loose upon the country a swarm of informers and spies. Blackmailing was legalized. The oldest and most respectable business men in the country became the prey of disreputable creatures who made use of some private peccadillo to extort money from them under the pretence of collecting money due the government, on account of a failure, in the past, to comply exactly with the terms of the revenue laws. Very little of the money thus obtained ever found its way into the Federal treasury. This system of extortion and blackmail became so odious that both Houses of Congress in May, 1872, voted to repeal the law creating the moiety system.

This disreputable business under the law of 1870 was open to any depraved characters who might engage in it. Two men, W. H. Kelsey, an ex-member of Congress from New York, and John D. Sanborn, of Massachusetts, a friend of Secretaries Boutwell and Richardson, appear to have conceived the idea of having an act of Congress passed which would give them and their tools a wide field in which to practice their nefarious business. It is pretty clear that at least one of the Assistant Secretaries of the Treasury was a partner in this jobbery. He made his official position so subservient to that object that Sanborn was allowed \$173,390 for three months' work between, October 1st, 1873, and January 9th, 1874, and this too, after the House of Representatives had taken the initiative step towards investigating the business.

It was the intention at first of Kelsey and Sanborn to introduce their proposed measure in the House of Representatives, but some of the members of the Committee of Appropriations were known to be hostile to the system of moieties in any form. They therefore determined to begin in the Senate. Frederick A. Sawyer, afterwards Assistant Secretary of the Treasury, was then in the Senate. He had placed upon the Legislative, Executive and Judicial Appropriation Bill an amendment in these words:

And from and after the passage of this act, the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the government in discovering and collecting any money belonging to the United States, whenever the same shall be withheld by any person or corporations, upon such terms and conditions as he shall deem best for the interest of the United States; but no compensation shall be paid to such persons, except out of the money and property so secured.

### GEN. GARFIELD AS USUAL SUBSERVIENT.

There was no discussion whatever in the Senate. This amendment was adopted upon the assurance that large sums of money were withheld improperly from the treasury which could be collected by this means. The Legislative, Executive



and Judicial Appropriation Bill, as amended by the Senate, was reported to the House of Representatives April 8th, 1872. Instead of concurring in the Senate, amendment above quoted, the House not only rejected it, but passed an act repealing the moiety act of June 21st, 1870. This sharp reply of the House to the Senate was not decisive. On the 12th of April when the House had completed the consideration of the bill, the Chairman of the Committee on Appropriations, General Garfield said:

I rise to a question of privilege. It will quicken action upon the Legislative Appropriation Bill if the House asks for a conference on the disagreeing votes, and let it go back to the Senate again. I ask that the bill be returned to the Senate, with the amendments that we have concurred in, and that a conference be asked upon the disagreeing votes of the two Houses.

Gen. Garfield was evidently in a hurry to get the bill into the Conference Committee. He was not willing to wait for the Senate to accept or reject the action of the House. His motion to ask for a Committee of Conference was adopted, and the Speaker appointed as conferees on the part of the House Mr. Garfield, Mr. Freeman Clark and Mr. Niblack. On the 19th of April, the Senate appointed Mr. Cole, Mr. Morrill of Vermont, and Mr. Sawyer on their side. On the 22d of April, three days later, the bill was reported from these conferees to the Senate, but was not acted upon at that time. Senator Cole, however, took occasion to inform that body that Gen. Garfield was very urgent to get it through, or to use his own words—

I have information from the Chairman of the Committee on Appropriations of the House that it is very desirable for the Senate to act upon *this report at an early hour to-day in order that it may be disposed of in that body.* It has to be reported here first under the orders of the two Houses.

On April 24th, the report of the Conference Committee was read in the Senate. The House conferees had receded from the disagreement to the Senate amendment in regard to moiety. Mr. Cole, in explaining the action of the Conference Committee, said:

The conferees on the part of the House agree to the next amendment, the 34th, authorizing the Secretary of the Treasury to employ not exceeding three persons to assist the regular officers in collecting taxes and dues which are withheld from the treasury.

Gen. Garfield made the Conference report to the House on the 26th of April and endeavored to drive it through without debate. We quote from the *Globe*:

Mr. Garfield of Ohio: If I can have the attention of the House for a few minutes—

Mr. Randall: Allow me to make a suggestion. It is now twenty minutes to five o'clock. We cannot understand this report from its reading by the clerk and shall have to listen to a long explanation from the Chairman of the Committee on Appropriations. There are some features of this report to which there undoubtedly will be objection. I therefore suggest that it be allowed to go over until Monday.

Mr. Garfield of Ohio: I would cheerfully do that, but for one thing. This is a very long bill, and the enrolling clerks ought to have to-morrow to prepare it for signature. I think the gentleman will find that the points to which objection will be made are very few, and they can be stated in a very few minutes.

Mr. Speer of Pennsylvania: This bill will not go into effect until the 1st of July next. What is the great necessity for this hurry about it?

Mr. Garfield of Ohio: I believe I can state in six minutes all that is needed in the way of explanation.

Mr. Dickey: The House is not full; and if in a full House this report should be rejected, then all the labor of the enrolling clerks will be lost.

Mr. Randall: It would be very satisfactory to have more time for consideration.

Mr. Farnsworth: Some of these amendments will give rise to discussion.

Mr. Hale: There will be some opposition to portions of this Conference report. Undoubtedly the explanation of the Chairman of the Committee on Appropriations will be satisfactory as far as it goes, but this report is an important one, and there has been no opportunity to examine it in detail. In view of that fact, and also that there may not be a quorum here now, I suggest whether it would not be better to let this report go over until next week.

Mr. Garfield of Ohio: If my colleague on the Committee on Appropriations (Hale) desires a postponement of this report, I certainly have no personal preferences of my own to oppose it.

Mr. Hale: I do not wish postponement put on that ground at all.

#### HAND IN GLOVE WITH SANBORN SAWYER.

The attempt to gag the House and force the Sanborn bill through when a quorum was not present, had to be abandoned that day. When the report was next

called up, in stating the results of the conference, General Garfield did not even name the thirty-fourth amendment. He simply said :

The material put in by the Committee of Conference is very slight and is only found in the words of this report printed in italics. If there are special points upon which gentlemen desire to ask a question, I will now yield for that purpose.

\* \* \* \* \*

Mr. Farnsworth : I object to that part of the report of the Committee of Conference which allows the Senate amendment to stand authorizing the Secretary of the Treasury to appoint commissioners or agents for the purpose of gathering up certain property. I understand that the Secretary of the Treasury does not wish the enactment of any such provision. I am opposed to a proposition of that kind upon the ground I have always advocated, that we should abandon the system of spies and informers. These commissioners, as I understand, are to be appointed as spies or informers.

Mr. Ambler : And the proposition is not for a general system of spies, but for a monopoly of spies, if I may so express it. Certain gentlemen are to have a monopoly of the spy system of the United States.

Mr. Randall : Now when we are proposing to abolish two thousand revenue officers, here comes a proposition to increase them.

Mr. Farnsworth : I suppose that proposes, if we are to have any spies, we might as well have a monopoly of them.

Mr. Garfield : If we are to have any, the fewer the better, I think.

Mr. Randall : It seems to me that the thirty-fourth amendment ought not to be agreed to. The House has voted I don't know how often in distinct opposition to the moiety system and the spy system. This proposition, it is true, does not contemplate the moiety system proper, so called, but a system by which the Secretary of the Treasury may divide with those gentlemen to be named by him the proceeds of prosecutions. Such a provision seems to be entirely wrong.

Mr. Hale, of Maine : What I object to is this ; that these informers should be paid for assisting the proper officers of the government. What are the proper officers to do if they are not to detect these thieves and execute the laws ? What are the district attorneys and the whole paraphernalia of our courts, what are they all for unless to enforce the law and collect the money and property belonging to the government of the United States ? Shall we establish this most vicious system for the discovery of information ? I have reason for believing that the other members of that committee (Senate), had they been required, would have yielded this as a matter of concession.

What Mr. Hale stated was well known by many others. If Gen. Garfield and his co-conferers of the House had stood firm the Senate would have yielded. The moiety system was odious and public sentiment was decidedly against it. Senator Cole's language to the Senate conveys but one idea—that Mr. Garfield was desirous of having the Senate amendment adopted. Gen. Butler of Massachusetts defended the moiety system and pronounced a eulogy on Sanborn, and advocated the adoption of the Senate amendment. He was followed by Mr. Randall.

#### GARFIELD DID NOT WANT DISCUSSION.

Mr. Randall : Now this provision may have reference to a higher class of plunders ; but the operation of such legislation must be the same, and at a time when we are proposing to simplify the collection of the revenue, to raise revenue from a reduced number of articles, and to collect it solely by stamps, there certainly must be no necessity for such a provision as this. I hope the House will have the good sense to vote down the proposition, as it has repeatedly heretofore voted down almost unanimously propositions of the same kind.

Mr. Garfield of Ohio : No member of the Committee on Appropriations was more opposed, or is more opposed, to the idea of moieties than I. I was opposed to putting on the clause to which the several gentlemen have referred. We find the Senate making this statement. The Senate conferees told us that they had reason to believe that single corporations had covered up under the form of stock accounts and other bonds, \$500,000, which ought to have been paid into the treasury as income tax, and they had reason to believe this provision would enable the Secretary of the Treasury to secure the repayment of that amount. The Senate conferees were a unit on this subject, and notwithstanding all the representations we made they would not give way. I do not believe a better result can be had if we vote a dozen conferences. I have no personal pride in this conference report ; but I say at this stage of the session, when this report has cost five sessions of the conference committee to produce the result, I should be sorry to see it defeated in this single point. I demand the previous question on the adoption of the report.

Mr. Randall : I ask the gentleman to let me move to amend.

Mr. Garfield of Ohio : I cannot.

Mr. Randall : I hope the previous question will be voted down. I desire to ask a parliamentary question, whether we have not the right to have another conference to take out that portion of this report ?

The Speaker : If the House so orders.

Mr. Holman : Is it not further in order to move to recommit the bill if the previous question be not seconded.

Mr. Garfield of Ohio : I demand the previous question.

The yeas and nays were ordered.

The question was taken and it was decided in the negative, yeas 80, nays 81, not voting 79.

#### MR. GARFIELD VOTED AYE.

So, the report of the conference committee was not agreed to.

Mr. Holman : I move to recommit the report to the committee of conference.

Mr. Garfield of Ohio : I do not see how that can be done, the Senate having already acted upon this report.



Mr. Farnsworth: Would not the proper course be to appoint another committee.

The Speaker: There is nothing in the rules preventing the recommitment of the report to the same committee.

Mr. Wood: I wish to inquire if it would be in order to express the hope that the committee will stand by the action that the House has just taken?

The Speaker: The gentleman can express that hope in public or in private. [Laughter].

The question being taken on recommitting the report to the committee of conference it was agreed to.

Gen. Garfield while pretending to oppose moietyies made every effort in this contest, and resorted to every manœuvre to have the Senate Sanborn amendment adopted. And when the Conference Committee came back with the old amendment, with a tale of verbiage of no value at all, and which in no manner changed its objectionable features, here is Mr. Garfield's lame defense of it:

#### GARFIELD'S ARGUMENT FOR THE VICIOUS LAW.

Mr. Garfield of Ohio: Mr. Speaker, there were two points especially made in the House against the Senate amendment apart from the objections which were directed against the entire principle of the proposition. The conferees have had four sessions in regard to this question. The Senate conferees were absolutely unwilling to recede from the amendment. After all these conferences we insisted that if the proposition was to be retained at all there should be safeguards to obviate special objections made in the House. The first was that irresponsible persons without character might make such representations as might induce the Secretary of the Treasury to give them a contract, and that this would be the last heard from them. The amendment in its present form, as members will have noticed if they had attended to the reading, provides, that no contracts shall be made with any person unless he first submits a written statement under oath of what he believes to be the amount of money or property withheld from the government unlawfully by any person, firm or corporation, stating also the law that he believes to be violated; and the statements are to be so specific that they may enable the Secretary of the Treasury to know where the derelict property is and its exact status. In the next place, the amendment in its present form provides as a protection against blackmailing, that any person having such contract who shall attempt to make settlement, or shall receive money in the way of settlement without an express written order from the Secretary of the Treasury to that effect, shall be deemed guilty of penal offense, and shall be punished therefor. In the third place, it is provided that frequent reports under the direction of the treasury shall be made by any person thus authorized to recover property. The committee of conference believe that the proposition in its present form obviates as fully as possible the evils apprehended by members of the House who objected to the measure. The gentleman from Pennsylvania desires to ask me a question.

Mr. Randall: Not now; I will wait until you get through.

Mr. Garfield of Ohio: I desire to call the previous question.

Mr. Randall: I do not suppose you desire to call the previous question until objections to this report have been made. It is one very objectionable even in its modified form.

Mr. Duke: I hope the gentleman from Ohio will allow it to be printed and go over to another day.

Mr. Garfield of Ohio: I demand the previous question.

Mr. Randall: I hope the previous question will not be ordered. The bill is just as offensive as it ever was.

Mr. Bingham: Debate is not in order, the previous question having been called.

Mr. Farnsworth: I should like to ask the gentleman from Ohio whether any change has been made on the subject of increase and salary.

Mr. Garfield of Ohio: There has been no change. I demand the previous question.

Mr. Randall: I move the House adjourn if the gentleman will not give me time to discuss it.

The House divided, and there were ayes, 71, noes, 79.

Mr. Randall demanded tellers.

Tellers were ordered, and Mr. Randall and Mr. Garfield of Ohio were appointed.

Mr. Sargent: I do not think there is any necessity for going on with the motion to adjourn. There is no objection to some reasonable time being given for debate.

Mr. Cox: It was refused, and I object to debate now.

Mr. Garfield of Ohio: I was willing to yield any reasonable time for debate.

Mr. Randall: You had a very strange way of showing your willingness.

Mr. Garfield of Ohio: Don't quarrel or we will go on.

Mr. Cox: Well, go on.

The House again divided, and the tellers reported ayes, 61; noes, 68.

Mr. Garfield of Ohio: If the gentleman desires to speak for a few minutes I do not object, but I am willing to withdraw the previous question.

Mr. Randall: There ought to be some debate upon this important question.

Mr. Cox: I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken and it was decided in the negative. Yeas 70, noes 103; not voting 67.

So the House refused to adjourn.

The previous question was seconded and the main question ordered.

Mr. Randall demanded the yeas and nays.

They were ordered.

The question on agreeing to the report of the Committee of Conference was then voted on and resulted yeas 87, noes 77; not voting 76.

#### GENERAL GARFIELD VOTED AYE.

During the few days that intervened between those two votes the Sanborn Ring conquered the prejudices of some of their adversaries, persuaded others to stay

away, and converted their first defeat into a majority of ten in which the party lines were closely drawn.

One of the strongest reasons for the sudden conversion was Gen. Garfield's statement that the amendment had been guarded so as to protect the treasury. Experience has shown that these pretended safeguards were only contrived to pass the amendments; for all the excesses which brought such scandal on the treasury and compelled Congress to repeal the law, were perpetrated under it. They helped rather than harmed the Sanborn Ring in their operations.

#### THE SANBORN FRAUDS INVESTIGATED.

The House of Representatives, February 13th, 1874, directed the Committee of Ways and Means to investigate the operations of Sanborn and others under the moiety law which Gen. Garfield had succeeded in 1872 in passing. The investigation was thorough. Hon. Charles Foster of Ohio then a member of the Ways and Means committee, now Governor of Ohio, was active in the prosecution of this inquiry. In their report (*see H. R. Report 559, 43d Congress 1st Sess., page 1*) the Committee of Ways and Means say:

The Forty-second Congress at its second session reported a law which provided for the payment of moiety to informers, so far as related to internal revenue tax; but in the last hours of the same session, and by means of a committee of conference, there was engrafted on the Legislative, Executive, and Judicial Appropriation Bill, a provision of seemingly so slight significance, as to have been added as the last half of a sentence, in one of the usual paragraphs relating to the Internal Revenue Bureau.

Under this provision of "seemingly so slight significance," contracts were made with Sanborn and his partners in over 5,000 cases. The names of the parties, companies, public bodies, foreign and domestic, fills over 50 printed pages of the report of the committee, involving transactions covering hundreds of millions of dollars. The informers were to have 50 per cent. of the gross sum collected and paid over to the treasury. The committee, in their report, page 3, say:

#### HOW THE GOVERNMENT WAS ROBBED.

The committee find that the information furnished by the regular officers of the government on which collections were made, was placed at the disposal of Sanborn, to avail himself of information paid for by the government, and obtain contracts for the collection of the very claims thus brought to light and found to be due the government.

It further appears from the testimony of Sanborn, that when he applied for this railroad contract, he furnished a list of railroads taken from the railroad manuals and guides, comprising the names of 592 railroad companies, being substantially the entire list of railroads within the United States. Sanborn made affidavit that all of these 592 railroad companies were delinquents.

The committee cannot ascertain that the Commissioner of Internal Revenue, or any officer of his department, was before, at the time, or since the contracts were made, or that he was advised as to the making of the contracts, or of the character of the claims that was intended thereby to be collected. No communication on the subject ever passed from the office of the secretary to that of the commissioner. No order in regard to it was ever issued from the commissioner's office, nor were any collections or other actions of his subordinates ever reported to them until after action was taken in the House, calling upon the secretary for information in relation to these collections. In fact, it is shown that the commissioner wrote a letter, protesting against the manner of these collections, to the secretary, which has never been answered.

The whole power of the Internal Revenue Bureau, as well as the entire machinery of the government for the collection of taxes, was placed at the disposal of Sanborn.

The evidence of Supervisors Hawley and Simmons shows that they regarded these appropriations as requiring them to assist Sanborn at all times, and to the utmost of their ability, in the collection of taxes, in whatever case he might desire their aid. It is also shown by these witnesses that they did place at his disposal officers under their control in the pay of the Revenue Bureau, and who did collect while in such employ, and under such pay, much the largest part of the total amount credited as collected by Sanborn, and on which he received 50 per cent.

The committee find that some of the agents of Sanborn, who were not employees of the government, were, without authority of law, furnished by the Secretary and Assistant Secretary of the Treasury, with special letters to the supervisors and collectors throughout the country, calling upon such officers to aid and assist them as they might require. In addition to this, to more completely arm them with power, two of these same agents were furnished with secret service detectives commissioned by the Solicitor of the Treasury.

#### THE MONEY COULD HAVE BEEN COLLECTED WITHOUT CONTRACT.

It is the opinion of the committee that a very large percentage, if not all of the \$427,000 of taxes collected by Sanborn, were not a proper subject of contract under the law. All of these taxes should, or would have been collected by the Internal Revenue Bureau in the ordinary discharge of their duty.



It is shown by the evidence before the committee that about \$10,000 was collected by Supervisors Hawley and Simmons from taxes imposed by Schedule C of the Internal Revenue law, for the collection of which no contract was made with Sanborn or any one else. Nevertheless, Sanborn claimed and was allowed 50 per cent. thereof. By the testimony of Mr. Odell, Treasurer of the Delaware, Lackawanna and Western Railroad Company, and that of Supervisor Hawley, it very clearly appears that the sums collected from that railroad—being about \$100,000—were well known to the Internal Revenue officers, and are collected by them, which collection should have been made in the ordinary discharge of their duties, and without cost to the government.

## WHO WAS RESPONSIBLE.

The Ways and Means Committee endeavored to ascertain where the responsibility rested in the Treasury Department for this gross dereliction of duty, but they were unable to do it. In their report they say:

The committee feeling alarmed at the apparent looseness with which the law has been administered, were desirous of ascertaining where the responsibility rested. It would seem to belong somewhere in the Treasury Department. They have had before them the Secretary, Assistant Secretary Sawyer and the Solicitor of the Treasury. The Secretary gave but little information, and exhibited an entire want of knowledge as to the manner of making the contracts, administering the law, or of the provisions of the law itself. His only connection so far as he could remember, with this transaction, was in affixing his signature to the various papers presented, as a mere matter of office routine, without knowing their contents.

The Assistant Secretary disclaimed any particular knowledge of the law of contracts, and in like manner affixed his signature as a matter of office routine. The Secretary and Assistant Secretary by their testimony show that the papers were prepared by the Solicitor of the Treasury, thus indicating a responsibility upon him. The Solicitor of the Treasury in turn testified that he is simply the law officer of the Treasury Department and a subordinate of the Secretary of the Treasury, without any power in regard to the administration of this law, except that expressly given by the Secretary; that he had consulted in every instance with the Secretary and Assistant Secretary of the Treasury; that he had in all cases simply obeyed the directions of his superior officers, and that the contracts or various orders of the department, were well known to the Secretary and Assistant Secretary.

Under this law \$427,000 was collected and paid into the treasury. Of this amount Sanborn received \$218,500.

Judge Noah Davis, of New York, then United States District Attorney, was one of the witnesses examined by the committee. He said that he knew of no law that allowed the Secretary of the Treasury to make contracts with any person by which he was to be paid more than five per cent. for the collection of money. He further said that Sanborn came to him, and desired to make an arrangement by which some of these collections could be made through his office, and offered to divide with him, but that he declined.

George Bliss, who succeeded Judge Davis as United States District Attorney at New York, was more subservient. He testified that he assisted Sanborn in making his collections, and received five per cent., which in a very short time amounted to \$12,000. The collections that were made through the District Attorney's office were principally in cases of legacy and succession taxes. The Ways and Means Committee, in their report, say in regard to this:

It is clear that legacy and succession taxes should not have been made a matter of contract.

## THE LEGACY AND SUCCESSION TAX SWINDLE.

J. D. Coughlin, of New York, testified as follows:

While I was assistant assessor of succession and legacy for the County of New York, I, with one or two assistants that the department gave me, collected from \$100,000 to \$500,000 a year, as the records of the Internal Revenue Department will show. The salary of an assistant assessor was \$1,500 a year.

Q. Thus a neglect to collect was a dereliction of duty on the part of the Internal Revenue officer? A. Yes; it was entirely a dereliction of duty on the part of that officer.

Q. You were well aware of this, and made application to the Secretary of the Treasury for a collecting contract, did you not? A. Yes; I made such application soon after I went out of office as assistant assessor.

Q. While you were still acting as an officer of the government, why did you not inform other officers of the government, that they might be able to make collections? A. Because I knew if the government was going to collect taxes at 50 per cent., I would be the best person, because I knew how to get on with the business.

Q. Why did not the Secretary give you a contract at 15 per cent, f A. I don't know.

Q. Did he ever write any answer to your application? A. No, sir.

## THE REPEAL OF THE INQUITOUS LAW.

The exposure of the Sanborn frauds excited such universal indignation

throughout the country and aroused public sentiment to such a pitch, that Congress, on June 20, 1874, unconditionally repealed the law which Mr. Garfield had contributed so much to enact. The repealing act provides that :

The Secretary of the Treasury is authorized to revoke and annul all contracts for the collection of such taxes made under and by authority of said act ; that the Court of Claims shall have no authority to consider or decide upon any claims for damages by reason of the discontinuance of the contracts aforesaid, or for any profits or percentage under them.

#### THE REPEALING ACT DEFIED.

This repealing act has been openly violated. The proof of this is contained in the last "estimates of deficiencies" for the year ending June 30, 1880 (*See Ex. Doc. 34, H.R. 46 Cong., 2d Sess.*) In this John Sherman asks for an appropriation to meet a deficiency "for detecting and bringing to trial persons violating the internal revenue laws, including payment for information and detection."

On page 24 of this official document is a "Schedule of accounts found due by the First Comptroller," to certain spies and informers, for the fiscal year 1878. In this schedule are 31 names, and the total amount asked for is \$7,547.35. J. D. Sanborn is one of the persons for whom an appropriation is asked. Five distinct claims presented by Sanborn, and "found due by the First Comptroller," are printed in this list, aggregating \$5,033.60.

#### THE NEW YORK TRIBUNE ON THE SWINDLE.

The New York Tribune of February 27, 1873, in commenting on Mr. Garfield's law creating a monopoly of informers and spies, says :

Elsewhere we publish an accurate account of a *Washington job*, connected with the collection of overdue taxes, under the Internal Revenue laws. It would be difficult to credit the statements but for the proofs furnished by the records of Congress. There are now due to the United States some four or five millions of dollars from legacy and succession taxes. *These taxes are more easily collected than any other form of revenue under the Excise laws, for the reason that all bequests are matters of public record, which may be examined by revenue officers or anybody else.* Yet Congress was persuaded to pass an act in 1872, authorizing the Secretary of the Treasury to bestow upon not more than three of his favored friends, as commissioners for collecting these taxes, such portion of the four or five millions as might seem good in his eyes ; and perhaps, in these days of Credit Mobilier and other gigantic swindles, we should put it down to the credit of the Secretary that he has decided not to give away more than a million and a half of this sum.

The same statements show that Assistant-Assessor Coughlin, of this city, has been heretofore assessing these taxes at an expense to the government of *less than one per cent.* upon the amount which he assessed and caused to be collected.

THIS SWINDLE was smuggled into an appropriation bill ; but if Congress happens to be in an economic mood, there is yet time and opportunity to repeal or modify the act through any one of the several appropriation bills which still await final action.



## THE BACK-PAY GRAB & SALARY STEAL.

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The part which Gen. Garfield played in the back-pay grab and salary steal, was not at the time properly understood by the country. His connection with this record was marked by duplicity and secret connivance, and in the end by open advocacy of the infamous law, which excited universal detestation, and left all connected with it branded with lasting disgrace.

But for him the opportunity by which Gen. Butler succeeded, after a first defeat, in getting an amendment attached to the Legislative, Executive and Judicial Appropriation Bill, would never have offered. With that entering wedge, the rest was made easy; without it, the task was hopeless.

It is necessary, in order to comprehend the course of Congressional proceedings, and Gen. Garfield's connection with the legislation of the Forty-second Congress, by which the back-pay and salary steal was made possible, to take a brief retrospect. The salary of the President of the United States had already been appropriated to the 30th of June, 1873. The legislation which Gen. Garfield so signally assisted, doubled the pay of the President, and extended it back to the fourth of March, in utter disregard of the fiscal year. On the 7th of February, 1873, Gen. Butler reported a bill from the Judiciary Committee to double the pay of the President and increase the salaries of the Vice-President, Cabinet, Justices of the Supreme Court, and Congress.

The project had long been canvassed, and it only waited a favorable chance to be tested. Some of the most anxious advocates were the most timid about an open support of a proposition which, in 1816, had consigned a former Congress to an ignominious political grave. The avarice of others was stronger than their apprehensions.

### THE FIRST EXPERIMENT.

On the 10th of February, 1873, the first experiment was tried upon the House and public opinion, when Gen. Butler moved to suspend the rules, so as to attach his Salary Bill as an amendment to the Miscellaneous Appropriation Bill then pending. That motion required two-thirds, but it was beaten by a majority of thirty-nine, which included some of the strongest friends of the plunder, who voted for effect. The first fire was thus drawn, and Butler knew exactly where to plant his batteries.

The knowing ones were not at all disheartened. They knew their real strength, how much aid would be needed at a pinch, and who could furnish it without unnecessary sacrifices. After that preliminary skirmish there was a suspension of operations for a fortnight. In the meantime bargains were made and plans perfected. That there was concert and secret understanding between Butler and Garfield was publicly charged at the time, and has been believed ever since.

The Legislative, Executive and Judicial Appropriation Bill came back from the

Senate on the 24th of February, loaded down with nearly a hundred amendments. The natural course was to have them printed and allow members a chance to examine the items before calling up the bill. Gen. Garfield, however, adopted another policy, and doubtless with sufficient private reasons that he did not divulge. The *Globe* helps to lift the veil. *After ten o'clock at night*, and suddenly, Gen. Garfield appeared and said :

#### GARFIELD OPENING THE DOOR.

Mr. Garfield: I rise to call up the Legislative Appropriation Bill.

This motion was followed by others from various quarters with bills of a public nature, claiming early attention. In the midst of much confusion—

Mr. Randall: I demand the regular order of business. I insist the gentleman from Ohio (Mr. Garfield) shall go on with the Appropriation Bill or yield the floor unconditionally.

The Speaker: What has been going on *has been going on by the sufferance of the gentleman from Ohio*. What has been going on has been permissive. The Chair will advise the House it is his duty to recognize the Appropriation Bills before any and all other business whatever, except privileged questions.

Mr. Garfield yielded to Mr. Wilson to report a bill, and then said:

Mr. Garfield, of Ohio: The bill now has the precedence of other business, and I hope the House will adjourn.

Many members: No, no.

Mr. Garfield, of Ohio: Then I move that the House resolve itself into committee of the whole on the State of the Union for the consideration of the amendments of the Senate to the Legislative, Executive and Judicial Appropriation Bill.

Mr. Holman: I suggest that the amendment be considered in the House.

Objection was made.

The Speaker: If objection is made, the motion of the gentleman from Indiana (Mr. Holman) can only be passed under a suspension of the rules.

Mr. Holman: Then I move that the rules be suspended, so as to allow the bill and amendments to be considered in the House as in Committee of the Whole.

The question being put on Mr. Holman's motion, it was not agreed to, two-thirds not voting therefor.

Mr. Hawley, of Connecticut: *I hope it will be known what all this means.*

Mr. Shanks: We know what it means as well as the gentleman from Connecticut does.

Suspicion was awakened by this sharp turn in the proceedings, and the back-pay grabbers were quick to rebuke Gen. Hawley for suggesting it.

General Garfield now took the lead of the House by right of his position, and controlled it to suit the scheme which he clandestinely favored. He could advocate adjournments ostensibly, and yet by passive connivance allow them to be voted down, so as to prepare the way for Butler, who was waiting for his preconcerted chance. Then followed:

Mr. Garfield: Pending the motion that the House resolve itself into Committee of the Whole, I move that all general debate be limited to five minutes.

Mr. Randall: I renew the motion that the House do now adjourn.

The motion that the House adjourn was not agreed to.

The question recurred on the motion that all general debates be limited to five minutes, and it was agreed to.

Mr. Garfield, of Ohio: I now ask for a vote on the motion that the rules be suspended and that the House resolve itself into Committee of the Whole on the special order.

The question being put on the motion of Mr. Garfield, of Ohio, that the rules be suspended and the House resolve itself into Committee of the Whole on the Senate amendments to the Legislative, Executive and Judicial Appropriation Bill, it was agreed to—yeas, 86; nays, 49.

The House then resolved itself into Committee of the Whole on the State of the Union. (Mr. Dawes in the chair), and proceeded to the consideration of the amendment of the Senate to the bill (H. R. No. 2,991) making appropriations for the legislative, &c., expenses of the government for the year ending June 30, 1874, and for other purposes.

Having thus opened the door late at night, General Garfield affected alarm lest burglars might enter, and wanted to close it again. But there were keen eyes that were not taken in, and saw that he meant to admit confederates who had their bags ready to carry off the silver and spoons. So he rose again :

#### TRYING TO DECEIVE THE PEOPLE.

Mr. Garfield: Mr. Chairman, it is my desire to get this bill placed in a position where it will have precedence, and then I hope we may adjourn. Several gentlemen asked me if this bill was likely to come up to-night, as they desired to be present during its consideration, and I told them that it was not likely.

Mr. Eldredge: Why, then, did the gentleman insist on going into Committee of the Whole on



the State of the Union? After he had made that pledge we tried to adjourn, but the gentleman insisted on going into Committee of the Whole on the State of the Union.

Mr. Garfield: The House insisted on going into Committee of the Whole on the State of the Union.

Mr. Eldredge: The House did not; it was the gentleman himself who insisted on it.

Mr. Garfield: On the contrary, I voted to adjourn every time. If gentlemen will send for a printed slip which accompanies this bill, they will see all the amendments. There are several battle fields in this bill, and I wish to indicate them to gentlemen, so that they may understand the matter. First, &c., \* \* \* \* \*

After having pledged himself not to call up this bill, according to his own confession, and thus kept away members who were known to be hostile to the grab, he sprung it on the House, and compelled the majority to go into Committee of the Whole on the State of the Union. And when charged with this treachery he said he had "voted to adjourn every time." So he did: but he rowed one way and looked another.

At last the motive of all the trick management was made manifest, when the leader came to the front, after having been bottled up until the night had well advanced.

Mr. Butler, of Massachusetts: I move to amend the amendment reported from the Committee of the Whole, to be submitted for it what I send to the clerk's desk to be read.

The clerk read as follows:

[Here follows the salary-grab amendment.]

Mr. Hawley, of Connecticut: I raise the point of order on the amendment of the gentleman from Massachusetts (Mr. Butler), that it is not germane to the amendment reported from the Committee on Appropriations.

Mr. Holman: I raise the point of order that it is new legislation.

The Chairman: One point of order only can be entertained at a time.

The Chair [Mr. Dawes, who was in the plot] overrules the point of order of the gentleman from Connecticut (Hawley) that this amendment is not germane.

The Chair will now hear the point of order of the gentleman from Indiana.

Mr. Holman: I raise the point of order that all points of order raised against any proposition must be admitted at the same time. The gentleman from Connecticut raised the point of order that this amendment was not germane.

The Chairman: And the Chair overruled that point of order.

Mr. Holman: Then I raise the point of order that each one of the salaries enumerated in this proposed amendment is fixed by law, and the effect of this amendment is to change existing law.

The Chairman: The Chair rules that so much of this amendment as provides for an increase of salaries is in order.

Mr. Butler, of Massachusetts: And that is all there is of the amendment.

Mr. Holman: Does the Chair overrule my point of order?

The Chairman: The Chair rules that so much of this amendment as increases salaries is in order.

[An appeal was taken, and, after some debate, the decision of the Chair was, of course, sustained by the conspirators.]

Mr. Donnan: I raise the point of order that this amendment, in substance, if not verbatim, has once before during this session been negatived by the House, and that therefore it is not now in order to tack it on to an appropriation bill.

Mr. Dawes overruled the point of order made by Mr. Holman, although the House had sustained it by a decided vote on the 7th of February, when Butler moved to suspend the rules that he might attach this identical amendment to the miscellaneous bill. If the sense of the House had been squarely tested, two-thirds would have been necessary to get in the amendment. So Mr. Dawes was put in the chair to defeat all objectionable points. Then Butler delivered his prepared speech. After that Gen. Garfield had more regrets to utter for his own work:

Mr. Garfield: I regret, Mr. Chairman, this subject comes before the House at such an hour of the night as this. We ought to have fuller discussion than possible on this occasion.

A leading Republican, who had witnessed the whole scene, stood forward to denounce this hypocrisy on the spot:

#### GENERAL GARFIELD DENOUNCED.

Mr. E. H. Roberts: Is not this matter before the House by his action at this hour?

Mr. Garfield: I will answer the gentleman. I have myself, as the House will remember, been in favor of the motion to adjourn [very much]; but when the House does not adjourn I am bound to go on with the business with which I am charged.

Mr. E. H. Roberts: I should like to ask him if this bill could have come up to-night except on the motion of the gentleman from Ohio. \* \* \* I wish to ask another question. It is clear a

majority here to-night are ready to vote for the proposition to increase salaries. The thing which the minority asks is that this vote shall be taken in daylight, under the eyes of the country.

Mr. Garfield: I desire that what has been said shall not be taken out of my time. If any gentleman in this House desires to intimate that I have done or may do any other than my duty in calling the attention of the House to the public business, I am here to answer him.

Mr. E. H. Roberts: If any gentleman assumes to put the threat on me, I am here to answer him. I do intimate that it is unusual to bring a bill including such a proposition and a vote at such an hour.

Mr. Garfield: I insist on the floor, and say this: I gave notice this afternoon to the House that I desired an evening session for the sake of bringing the Naval Appropriation and the Legislative Appropriation Bills before the House after the one hour which was devoted to the bill of the gentleman from Massachusetts (Mr. Banks), Chairman of the Committee on Foreign Affairs. Gentlemen came here with the understanding that both these bills were in order. [He had before stated that he told members this bill was not likely to come up, and sent them away.] And, sir, if any gentleman has any responsibilities anywhere relating to any of these bills, let him bear his share. I bear mine. I rose, however, to say that I not only regret that this proposition has been brought here and now, but I regret that it has been brought at all.

His regrets were profuse after the mischief was done by his own collusive management. There was a long and keen debate, but the whole thing had been set up in advance, and the result was foreshadowed, or, as the *Globe* puts it:

The question recurred on the amendment of Mr. Butler, of Massachusetts.  
The committee divided, and there were: yeas, 93; nays, 71.

Thus the same amendment which was rejected by 39 majority on the 10th of February, was rushed through on a rising vote of 22 the other way on the 24th. When it came to tellers, where individuals could be seen and gazetted, it fell off to 15.

Mr. Holman demanded tellers.

Tellers were ordered, and Mr. Butler, of Massachusetts, and Mr. Garfield, of Ohio, were appointed.

The committee again divided, and the tellers reported: yeas, 81; nays, 66.

So the amendment was agreed to.

Other amendments were proposed and discussed, when

Mr. Holman: I think that at this late hour we can scarcely proceed to vote with proper deliberation upon so grave a question as this, and I move the committee rise.

The question was put, and on a division there were: yeas, 46; nays, 66.

So the motion was not agreed to.

After more discussion—

Mr. Sargent—I move that the committee rise.

The motion was agreed to, there being on division: yeas, 65; nays, 55.

The committee accordingly rose, and on motion of Mr. Randall (at 1 o'clock and 17 minutes A.M.) the House adjourned. (Pp. 1670 to 1678, *Congressional Globe*, third session Forty-second Congress, part third.)

General Garfield gained a victory, but the laurels, like the fruit of the Dead Sea, have since turned to ashes on his lips. There was much indignation the next day, when it came to be known that General Garfield had pressed this Appropriation Bill, after having given assurances that it would not be considered, and thus thinned out the opposition.

On the 28th of February, *just before midnight*, the bill was reported to the House from the Committee of the Whole, where the permanent record of votes had to be confronted. It began in this way:

Mr. Cox: Mr. Speaker, I want to put in my protest, as one member of this House, against increasing my own salary by my own vote. When we were elected to Congress there was an implied contract between us and the people that we should serve for so much.

Mr. Garfield: *I must make the point of order that gentlemen must confine themselves to the subject under discussion.*

Mr. Cox: Why did not the gentleman make that point upon some gentlemen on his own side?

Mr. Garfield: Well, I give notice that *after* the gentleman shall have concluded I shall make the point and insist upon it (page 1,903 *Globe*.)

After thus obstructing opposition by technical points of order, General Garfield allowed the regular business to progress until the appointed time for finishing this work. A special vote was demanded on the Butler amendment, and it was beaten by 52 majority on the yeas and nays. But that vote was not sincere, for Butler is recorded against his own proposition. In a few minutes after he moved

To reconsider the vote just taken; and pending that motion, I move that the House adjourn. The hour is late and the House is very thin. [Laughter.]



## CLINCHING THE NAIL.

Nothing was now wanting but to rivet the previous action by refusing to adjourn, and then clinch it by refusing to reconsider. Everybody understood the exact issue presented. The adjournment was the test, and it prevailed by 53 majority, right in the face of the 52 majority just before recorded in the opposite sense. In this way the door was opened for reconsideration.

It is true General Garfield voted against the adjournment, just as he puts himself on the record on other tests, while co-operating with Butler. But he never raised his voice or lifted a finger to prevent the result. He had charge of the bill and control of the majority. A word from him would have ended the grab, then and there, but he did not speak it because he was sustaining what he pretended to oppose.

The next day Butler's motion to reconsider was first in order, and Mr. Farnsworth promptly moved to lay it on the table and thus finish the struggle. It was defeated by 39 majority. That told the whole story. The reconsideration needed no more momentum. The up and down vote fixing the Congressional pay followed, with a bare majority of 3, caused by a desire to save members in close districts, who, though earnest for the grab, would suffer by an affirmative record. But there was always a reserve on hand, which could have been called into action if absolutely needed. Fifty-one Republicans boldly faced the music. If only two of them had gone over, there would have been no grab.

## GENERAL GARFIELD'S BASE COMPLICITY.

This brief history of the proceedings in the House traces the course of General Garfield from first to last, and fixes the responsibility directly upon him. He abused his trust, and by an act of base complicity made the opportunity to originate this outrage. And when he could have dealt it a fatal blow he sat still and passively gave the plunderers their greatest help.

The bill with this graft now went to the Senate, and from there to the hands of a committee of conference, which was the objective point from the beginning. The conspirators had got their scheme precisely where they wanted it. The conferees on the part of the House, packed by the Speaker, who was in favor of the grab from the start, were Benjamin F. Butler, Gen. James A. Garfield, one avowed and one sneaking grabber.

On the last day of the session Gen. Garfield reported the result of the conference, doubling the pay of the President and raising the pay of members of Congress from \$5,000 to \$7,500 retro-actively for two years, with a long catalogue of augmented salaries. He made a labored and feeble speech, intended to palliate his unworthy conduct. It was the old story so often repeated, of what the Senate conferees had exacted, and what the House had surrendered. Speaking of the salary, he said.

## GENERAL GARFIELD'S HYPOCRISY.

The Senate conferees were unanimous in favor of fixing the salary at \$7,500, and cutting off all allowances except actual individual traveling expenses of a member from his home to Washington and back again once a session, and cutting off all other allowances of every kind. [Observe his effort to show the sacrifice of "allowances" by repeating it twice in a sentence.] That proposition was agreed to by a majority of the conferees on the part of the House. I was opposed to the increase in conference, as I have been opposed to it in the discussion, and in my votes here [we have seen how sincerely]; but my associate conferees were in favor of the Senate amendment, and I was compelled to choose between signing the report and running the risk of bringing on an extra session. I have signed the report, and I present it as it is, and ask the House to act on it in accordance with their best judgment.

This scarecrow of an extra session deceived everybody. There was no more danger of one then than there is now. If Gen. Garfield had resisted, even at that late hour, in a manly and decided way, instead of conniving as he did, the House

would have instantly receded, and the Senate must have followed suit. He knew that perfectly well when this sham was invented to impose on the public. But if it actually involved an extra session, was it not better to call one and stamp out forever this disgraceful mode of legislation, and put an end to such plunder, than to protect by any acquiescence? The cost would have been cheap for such an example.

A brief discussion was permitted, from which some passages may be profitably culled:

Mr. Hibbard: I desire to ask the gentleman *how much plunder will be taken from the Treasury if this raising of salaries is adopted?*

Mr. Garfield: I am glad the gentleman has asked me that question. The report presented here, taking into account the changes made with reference to the salaries of members and officers of both houses and other increases of salaries in this bill, will, according to the best estimate I have been able to make, involve an annual increase of expenditure of about *three quarters of a million dollars.*

Mr. Hibbard: How much for the present Congress?

Mr. Garfield: For the *present Congress it involves an additional expenditure of about one and a quarter millions.* I think the House ought to know all the facts.

Mr. Dawes: Did the gentleman hear the form in which the gentleman from New Hampshire (Mr. Hibbard) put his question: *How much this "plunder" would amount to?*

Mr. Garfield: *I do not accept the gentleman's statement as to that.* It may be an unwise expenditure in some respects. *But in most cases the increase is proper, and ought to be made. It is not "plunder" unless gentlemen here consider themselves not deserving of the promised pay.* (Page 2101 *Congressional Globe.*)

#### GENERAL GARFIELD SHOWS HIS HAND.

At length Gen. Garfield showed his hand. He contended that "in most cases" in the bill "*the increase was proper and ought to be made,*" and declared it was "*not plunder, unless gentlemen consider themselves not deserving the promised pay.*" Not content with this expression, he continued:

Mr. Garfield: I have nothing further to say, except that I wish the House *to weigh well the danger of refusing to concur in this report.* The conferees have spent ten full hours of hard work in preparing it for the consideration of the House; and *I ask gentlemen to consider the responsibility thrown upon them in acting upon this question.* I call for a vote.

The Speaker: The hour allotted to the gentleman from Ohio to close debate has expired.

Mr. Holman: I rise to a parliamentary inquiry, there being but one subject, the salary alone, in reference to which there is a division of opinion. If the House refuse to sustain this point, will it not be in order to recommit to the same committee?

The Speaker: It would be, or to order a new conference.

Mr. Holman: *We have twenty hours left in which that can be done.*

Mr. Holman demanded the yeas and nays. The yeas and nays were ordered.

The Speaker: The Chair has decided he would not entertain a motion to lay upon the table a conference report. *He is aware this ruling is somewhat different from that made by previous occupants of the chair.* He has, however, uniformly decided a conference report could not be laid on the table, because it would carry the bill with it. If the House rejects the report, that leaves the Appropriation Bill for another conference committee. To lay the report of the Committee of Conference on the table would carry the bill with it, and therefore the Chair has never entertained any such motion. That is the reason of his decision.

Mr. Donnan: I ask that the rule be read which prohibits members from voting on a question in which they are interested.

The Speaker: *That has no application here whatever.*

The question was taken, and it was decided in the affirmative—yeas 102, nays 96, not voting 42.

So the report of the Committee of Conference was adopted.

After all his dodging, trimming, equivocation, double dealing and trickery, Gen. Garfield finally voted squarely for the back-pay grab and salary steal in its worst form. And that, too, when a change of only three would have prevented the passage of this job.

#### THE AMOUNT STOLEN.

In addition to the two millions which Congress thus voted to themselves, there were a host of officials who shared in this sweeping spoliation, as may be seen by the following list, making a comparison between the new and old pay.



## STATEMENT SHOWING THE SALARIES OF CERTAIN OFFICERS BY THE ACT OF MARCH 3, 1873, AND THE FORMER PAY OF THE SAME, EXCLUSIVE OF THE VICE-PRESIDENT, SPEAKER, AND THE TWO HOUSES OF CONGRESS.

	<i>New pay.</i>	<i>Old pay.</i>		<i>New pay.</i>	<i>Old pay.</i>
President, per annum, exclusive of perquisites.....	\$50,000	\$25,000	Commissioner of Pensions.....	\$4,000	\$3,000
Vice-President.....	10,000	8,000	Superintendent Money - Order System.....	4,000	3,000
Speaker of the House.....	10,000	8,000	Superintendent Foreign Mails ..	4,000	3,000
Chief Justice.....	10,500*	8,500	Chief First Diplomatic Bureau, State Department.....	2,400	1,800
Eight Associate Justices, each..	10,000*	8,000	Chief Second Diplomatic Bureau, State Department.....	2,400	1,800
Secretary of State.....	10,000	8,000	Chief First Consular Bureau....	2,400	1,600
Secretary of the Treasury.....	10,000	8,000	Chief Second Consular Bureau....	2,400	1,600
Secretary of War.....	10,000	8,000	Chief First Bureau Indexes and Archives.....	2,400	1,600
Secretary of the Navy.....	10,000	8,000	Chief Second Bureau Indexes and Archives.....	2,400	1,600
Secretary of the Interior.....	10,000	8,000	Secretary of Senate.....	5,000	4,320
Attorney-General.....	10,000	8,000	Clerk House of Representatives.	5,000	4,320
Postmaster-General.....	10,000	8,000	Chief Clerk House of Representatives.....	3,600	3,000
First Assistant Secretary of State	6,000	3,500	Journal Clerk House of Representatives.....	3,600	3,000
Second Assistant Secretary of State.....	6,000	3,500	Doorkeeper House of Representatives.....	3,000	2,592
First Assistant Secretary of the Treasury .....	6,000	3,500	Assistant Doorkeeper House of Representatives.....	3,000	2,592
Second Assistant Secretary of the Treasury .....	6,000	3,500	Chief Engineer House of Representatives.....	2,592	2,160
Assistant Secretary of the Interior	6,000	3,500	Six clerks House of Representatives, each.....	3,000	2,592
First Assistant Postmaster-General.....	4,000	3,500	One clerk.....	3,000	2,520
Second Assistant Postmaster-General.....	4,000	3,500	Ten clerks, each.....	2,500	2,160
Third Assistant Postmaster-General.....	4,000	3,500	Four clerks, each.....	2,000	1,800
Supervising Architect of Treasury	5,000	4,000	Postmaster Senate.....	2,592	2,400
Examiner of Claims State Department.....	4,000	3,500	Assistant Postmaster Senate....	2,000	1,728
Solicitor of the Treasury .....	4,000	3,500	Two mail carriers, each .....	1,700	1,200
Commissioner of Agriculture.....	4,000	3,000	Superintendent Documents Room Senate.....	2,500	2,160
Commissioner of Customs.....	4,000	3,000	First Assistant Superintendent Documents Room Senate.....	2,500	1,440
First Auditor of the Treasury...	4,000	3,000	Second Assistant Superintendent Documents Room Senate.....	1,800	1,441
Second Auditor of the Treasury...	4,000	3,000			
Third Auditor of the Treasury...	4,000	3,000			
Fourth Auditor of the Treasury...	4,000	3,000			
Fifth Auditor of the Treasury ..	4,000	3,000			
Auditor for Post Office Department.....	4,000	3,000			
Commissioner of Land Office...	4,000	3,000			

\* The pay of the Supreme Court had been revised in 1870.

## A GENERAL STEAL.

Five reporters of the House were made permanent officers, with a salary of \$4,380 each, exclusive of extras. Even this wanton extravagance did not suffice for the corruptionists. Their hand was in and they made the people's money fly by a proviso giving 15 per cent. in addition to all the employees of Congress whose salaries had been thus raised, and to others who had not the effrontery to demand an increase, and then to date this percentage back two years, as they did for themselves. Here is the profligate proviso to speak for itself :

And it is hereby provided that the increase of compensation to the officers, clerks, and others in the employ of the Senate and House of Representatives provided for by this act *shall begin with the present Congress*; and the pay of all the present employees of the Senate and House of Representatives, including the employees in the Library of Congress, and those under the Commissioner of Public Buildings and Grounds now employed in the Capitol building, and also the House reporters, whose pay has not been specifically increased by this act, holding their places by appointment under the respective officers thereof, or by the authority of the Committee of Contingent expenses of the Senate, or the Committee of Accounts of the House, be increased fifteen per centum of their present compensation on the amount actually received, and payable to them respectively from the *beginning of the present Congress*, or from the date of their appointment during the present Congress, and who shall be actually employed at the passage of this act.

Pressed by popular resentment and the dread of the coming elections, Congress reluctantly repealed this legislation at the recent session. But in March they undid a portion of what they had done in January, and raised many salaries still higher than they stood in the bill of abominations. The reporters, for instance, are allowed \$5,000 a year, when they only average nine months of work on a Congress of two years, and have all the rest of the time at their own disposition.

One of the first acts of the Democrats when they obtained control of the House of Representatives was to reduce the salaries of all the employees of that body to the old standard, cutting off not only the increase by the back-pay grab and salary steal act, but various other addition which the Republican majority had at various time made.

GENERAL GARFIELD "TOOK THE SWAG BUT WAS AFRAID TO KEEP IT.

General Garfield promptly drew his back pay, which amounted to \$4,548.

The indignation of the people at this bold steal by their representatives scarcely knew bounds. The constituents of the 103 members of Congress who voted for the back-pay grab and salary steal, immediately assembled in their respective Congress Districts and passed resolutions condemning their unfaithful representatives. The Republicans of General Garfield's district assembled in convention at Warren, Trumbull County, Ohio, March 26, and adopted a resolution asking him to resign his seat in the House of Representatives, and declaring that by voting for the retroactive salary bill, he had forfeited the confidence of his constituents. General Garfield had not the courage to defend his course. He kept the money nearly six weeks, however, after the adjournment of Congress, and then surreptitiously returned it to the treasury.

He did not do this, however, through the Sergeant-at-Arms of the House of Representatives, but had it deposited to his credit with the Treasurer of the United States. The following letter from the Assistant Secretary of the Treasury, shows how he returned the money:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, {  
Washington, June 22, 1880. }

H. DUSEY, Esq., East Des Moines, Iowa:

Sir: In reply to your letter of the 17th inst., asking to be informed on what date the Hon. James A. Garfield paid into the treasury his back pay, and how the treasury books show this transaction, I have to inform you that it appears from the records of this office that the sum of \$4,548 was deposited to the credit of the Treasurer of the United States in the name of James A. Garfield, on "account of retroactive increase of salary," on the 22d of April, 1873, and that this amount was covered into the treasury by miscellaneous covering warrant No. 704, second quarter, 1874, and cannot be withdrawn except by act of Congress.

Very respectfully,

J. K. UPTON,  
Assistant Secretary.



## GENERAL GARFIELD'S SERVICE TO THE INDIAN RING.

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General Garfield, while he was Chairman of the Committee on Appropriations, was one of the most useful and potent friends the Indian Ring had on the floor of the House. Upon every occasion, when his influence should have been in the interest of reform, it was exerted to shield and to enlarge the operations of the Indian Ring.

No man will now dispute that the management of Indian affairs, during the period of which we speak, was grossly corrupt. It had grown worse year after year, until the evil had become alarming. It was destructive to the remnant of aboriginal tribes, and was a standing reproach to the civilization of the country.

Philanthropic and Christian men of various denominations, had advocated the policy of peaceable persuasion rather than military power, as a means of civilizing the Indian. The experiment had been tried on the Cherokees, Chickasaws and other nations, and had been productive of great good. If their praiseworthy efforts had been properly seconded with the least honest disposition, they might have accomplished a great deal towards improving the present condition of the wards of the nation.

In April, 1869, a Board of Indian Commissioners was created with authority "to exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may direct." President Grant appointed men of unexceptionable character, who served without pay or reward, and at the start the experiment promised fair, but it began to be discovered before the end of the first fiscal year, that obstacles were thrown in their path, and that the Ring was determined to thwart their good intentions. Accordingly the power of the commissioners was more positively defined by an act approved July 15th, 1870, which declared the duty of said commissioners

To supervise all expenditures of money appropriated for the benefit of the Indians in the United States; to inspect all goods purchased for said Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult said commissioners in making purchases of said goods.

### THE COMMISSIONERS CRIPPLED.

This restraint was damaging to the Ring which dominated the Indian Bureau and owned the Secretary of the Interior. The frauds upon the Indians and the government continued until there was an outcry against the growing jobbery. The commissioners appealed in vain to the President, who referred the complaint to the Interior Department which had sanctioned the wrongs. They asked for new legislation, and in May, 1871, obtained it, but with the proviso that

The Secretary of the Interior shall have power to sustain, set aside, or modify the action of said board, and cause payments to be made or withheld as he may determine.

The Secretary exercised this power to set aside and modify freely. The commissioners made public outcry and aroused a sentiment damaging to the administration of the Interior Department. Nevertheless the Indian Ring succeeded in May, 1872, in getting a proviso added to the Indian Appropriation bill, by which the commissioners were rendered powerless to protect the Indians, or the treasury.

This proviso was as follows :

That any member of the Board of Indian Commissioners, is hereby empowered to investigate all contracts, expenditures and accounts, in connection with the Indian service, and shall have access to all books and papers relating thereto, in any government office, but the examination of vouchers and accounts by the Executive Committee of said Board, shall not be a prerequisite of payment.

Thus shorn of all real power, the commissioners still struggled to check the corruption that was daily growing worse. Their remonstrances however were unheeded. The whole power of the government appeared to be exerted to break them down. The Indian Bureau withheld all vouchers from the supervision of the Board, and treated the commissioners with contempt.

#### THE COMMISSIONERS PROTEST.

They firmly protested as follows:

The Executive Committee of the Board respectfully present the following report: From July 1, 1872, until March 1, 1873, no accounts were sent to us by the Indian Office, for examination. It having been thought by that office, that the Act of May 29, 1872, relieved them of the necessity of submitting accounts to the board, and relieved the board of the duty to act on them.

After the meeting of Congress, the discussion upon the Indian Appropriation bill showed, that it was not the opinion of Congress that the board had been relieved from the duty of auditing these accounts. Notwithstanding this positive statement by the Indian Commissioners, Mr. Delano, the Secretary of Interior, had the effrontery in a document laid before Congress to say :

In view of the legislation in that behalf which had been previously enacted, and was still unrepealed, and the peculiarity of the language of the act of 1872, I deem it best for prudential reasons for the time being, to continue the practice of sending all accounts to the board for examination, prior to the final action of the department thereon.

These statements contradict each other and cannot both be true. The commissioners had no motive for falsifying ; Mr. Delano had. After this the accounts were sent for auditing, and the commissioners rejected, or disapproved, or suspended to the amount of over a half million dollars. Mr. Delano indorsed on the back of them, "Action set aside by the Secretary of Interior."

These things were not done in a corner. The Indian Commissioners did not hide their light under a bushel. They were in earnest. They made known their difficulties to every member of Congress who would listen to them. They told how they found the department protecting plunderers, and said that they believed the officials were sharing with them. They resigned in a body and Mr. Delano filled their places with subservient tools. He demanded liberal pay for these tools. He made a notorious jobber of the Washington Ring secretary to the new commissioners with a large salary.

#### GENERAL GARFIELD'S SERVICES TO THE RING.

Public sentiment, excited by the venal and vicious legislation of back-pay grab and like steals, demanded legislation which would sweep the Indian Ring out of existence. When the Indian Appropriation Bill came up an effort was made to revive the proviso of 1871. On the 10th of May Mr. Beck moved to strike from the bill certain words and to insert the proviso above quoted. In-



stantly Gen. Garfield sprang to his feet and interposed one of the parliamentary quibbles with which he was always ready. He said :

I make a point of order against this amendment. It is plainly a change of existing law in reference to the mode of keeping accounts and administering business in the Interior Department.

What Gen. Garfield called the "existing law" was the proviso of 1872, which had been added to the appropriation bill of that year for the express purpose of negating the authority of these commissioners. Mr. Beck promptly answered. He said :

I do not think the point is well taken. My amendment simply embodies the law as passed in 1871. It was attempted to be invalidated in 1872 by the proviso in these words : "but the examination of vouchers and accounts by the Executive Committee of said board shall not be a prerequisite of payment."

Mr. Garfield : Certainly ; but that is the whole point. The proposition of the gentleman from Kentucky (Mr. Beck) amounts to this : Under the existing law the Secretary of the Interior has the power to go on and settle accounts, and the proviso of the gentleman puts the power of settling these accounts into the hands of an outside board, without regard to the Secretary of the Interior. It provides that no payment shall be made until this outside board shall have audited and passed the accounts. It is a plan to unhinge all our present methods of settling Indian accounts.

Mr. Beck : I want to call the attention of the House and the country to what I expected would follow—what two years ago I insisted would follow. Indeed, what I showed then was the intention of striking out this provision requiring the Indian Commissioners to revise these accounts of Indian agents. It was done then, and the effect has been to enable the retainers, agents, pet contractors and other hangers-on of the Indian Bureau to rob the treasury of the United States.

The favored contractors have been awarded contracts at nearly double what they were made at when advertised to the lowest bidder, and the frauds of the Indian Ring are all perpetrated in consequence of the determination to overthrow a supervision and render impossible an investigation by this Board of Indian Commissioners. They have appealed to Congress ; they have appealed to the President to have this power ; they have appealed to the Secretary of the Interior ; and now a point of order is raised and sustained, and the Republican side of the House refuses to suspend the rules and refuse to give these commissioners any power to save the money of the people.

#### GENERAL GARFIELD MAKES FACES AT THE COMMISSIONERS.

Mr. Garfield : The proposition of the gentleman from Kentucky (Mr. Beck), which he thinks I have done very wrong in objecting to on a point of order, is this : that the head, not of the bureau alone, but of a great executive department of this government, shall be deposed officially, and a body of outside people without salary, without bonds, without any sort of pecuniary or legal pledge resting upon them to hold them responsible to the government, shall have the vouchers and accounts of one of the departments of the government sent following after them wherever they may happen to be—at their several homes, at the watering places, traveling on the cars or anywhere else ; and that these gentlemen at their leisure may look over these vouchers and accounts and write "approved" or "disapproved," but that no person shall be paid for any services rendered in connection with the Indian Department until these fine outside gentlemen shall have approved of the accounts.

Gen. Garfield denounced as "outside people" and an "outside board" the Peace Commissioners created by Congress and appointed by the President, empowered by law to exercise joint control with the Secretary of the Interior over the disbursement of appropriations, and who had wisely and honestly exercised that power until the Indian Ring, with the aid of the Secretary of the Interior, had crippled it in 1872.

This was Gen. Garfield's mode of treating a dignified body of the most respectable, conscientious and enlightened men, who had very self-sacrificingly devoted their time to a cause which they believed to be good.

He was not allowed to go unrebuked. Mr. Beck demonstrated that Secretary Delano had lived under the act of 1871 for a whole year, and that he then got it clandestinely repealed by the proviso of 1872.

Mr. Beck continued :

#### MR. BECK'S SCATHING REVIEW.

Mr. Beck : The act that I now seek to restore was passed in May, 1871 ; it was passed to prevent a flagrant evil, which former laws had left untouched, because at that time there was no way of stopping payments upon vouchers of Indian agents that came to the bureau. The holders of these vouchers were paid whenever they asked, so they appeared regular on their face. Proof was made before a committee, of which I was a member, that a large number of the greatest frauds were perpetrated under that system. At some of the agencies where cattle were to be delivered, say 200 or 300 would be delivered, and then they would stampede them and collect them and re-deliver them.

We were told of one case where eight or nine hundred head had to be delivered, and as soon as they delivered one lot they would be driven back to the rear of the line, and so counted over again, and vouchers given for them, although twice counted and known to be so. One agent in Montana, as the gentleman from Montana (Mr. Maginnis) knows, was dismissed because he refused to give a fraudulent voucher for about \$47,000 when the true voucher was only \$7,000. It was to guard against these frauds that we passed that law, which the gentleman from Ohio did not then dare to oppose.

\* \* \* \* \* In 1872, in an evil hour, this House consented to striking out that authority of the Peace Commissioners to revise these vouchers and accounts, and from that time to this fraud and corruption have permeated the Indian Department in the payment of accounts and vouchers and in contracts. The commissioners have certified to that, and it is sought to be perpetuated by gentlemen on the other side of the House by refusing even to let an amendment in the interest of honesty and fair dealing to be considered.

That is what I have said ; and the facts I have presented are not met and cannot be met, for they are true. If your agents are going to be honest in their disbursements, what harm can it do to allow men appointed under an act of Congress and chosen by the President to look at the vouchers of the agents and advise the Secretary whether they are just or unjust.

If you allow them to make purchases, if you allow them to control contracts, why should you not allow them to examine the vouchers of the Indian agents? That is the point where the Secretary of the Interior can get no information except from these commissioners, who have their agents everywhere, whose duty it is to know what the Indians get, and who can tell whether the vouchers are just or not. You have stricken out this right so that no man can be able to detect frauds, and refuse even to allow us the right to try and restore it. (*Cong. Record*, May 10, 1874.)

#### GENERAL GARFIELD DECEIVES THE HOUSE.

These appeals had no effect. General Garfield, Chairman of the Appropriations, and Mr. Averill, Chairman of Indian Affairs (just rejected by his constituents), had a good understanding with each other. They represented the Ring, and carried it over all opposition. The new members, composing more than one-half the House, and not yet enlightened as to these sharp practices, naturally enough followed their political leader, and accepted the assurances of Mr. Garfield as true.

While the Indians are annually decreasing fast in numbers, the cost of maintaining them increases in a corresponding ratio. The very policy which was adopted as a means of peace and economy has been converted into an engine of strife and plunder, until the expenses have more than doubled since it was inaugurated. This is not the fault of the policy, but of faithless and venal men who have abused it for their own advantage and that of thieving confederates.



## ENCOURAGING AND DEFENDING PETIT LARCENY.

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Gen. Garfield, while Chairman of the Committee on Appropriations, not only favored every petty steal, but enlarged the opportunities of the thieves in all the executive departments. Everybody will remember with what disgust the people six years ago received the intelligence from Washington, that Attorney-General Williams had directed the disbursing officer of the Department of Justice, to buy and pay for out of the contingent fund, a sixteen hundred dollar landaulet, in which his wife was daily seen disporting herself on the streets. In the good old times, a cabinet officer found riding in a carriage paid for by the government would have been driven by the people's scorn from the country. Almost a half century ago, Mr. Ogle, of Pennsylvania, made Matrin Van Buren, the President of the United States, an object of ridicule everywhere, by falsely declaring in the House of Representatives that he daily used gold spoons in the White House.

But the times change, and men change with them.

For many years past, until the Democrats obtained control of the House, not only every head of a department, but almost every head of a bureau, had a carriage and span of horses paid for by the government, and kept at government expense, for his private convenience. At the time of which we speak there were forty horses in use at the Treasury Department alone. Thirty of them were for the use of the department employees.

Gen. Garfield, as Chairman of the Committee on Appropriations, reported in the Legislative, Executive, and Judicial Appropriation Bill for the fiscal year 1874, a clause to continue and legalize this robbery. (*See Cong. Rec. No. 110, April 25, 1874.*) For the first time in the history of the government a specific appropriation was recommended and carried, for carriages, horses, and repairs for the Department of Justice :

Mr. Garfield : It has been found necessary to move to amend the paragraph just read by inserting before the words " five copyists " the words " one clerk, who shall be telegraphic operator, \$1,000."

The amendment was agreed to.

The Clerk read the following :

For contingent expenses of the department, namely : For furniture and repairs, \$1,500 ; for care of and subsistence of horses, \$1,400 ; repairs to carriages and harness, \$600 ; for law and miscellaneous books for the library of the department, \$3,000 ; for the same for the office of the Solicitor of the Treasury, \$1,000 ; for stationery, \$2,500 ; for miscellaneous expenditure, such as telegraphing, fuel, lights, and other necessities, \$6,000 ; in all, \$16,000.

Mr. Nesmith : I move to amend the paragraph just read by striking out the words " for care of and subsistence of horses, \$1,400 ; repairs to carriages and harness, \$600." I believe that this estimate is an innovation. I believe there has been no definite estimate of that kind offered heretofore for this department. I do not perceive the necessity of an appropriation of \$2,000 for the purpose of transporting anything connected with the Department of Justice about this city. If this item of \$2,000 is stricken out I fancy it will be that much saved to the people who pay the taxes. I observe that in other portions of this bill, which were passed when I was not present, there is appropriated for the Postmaster-General for a similar purpose \$1,200, and for the Secretary of the

Interior the same sum. Now, if it is proper and necessary to make such appropriations for the heads of the departments, there should at least be equality among them. I do not understand why the Attorney-General should have \$800 more appropriated for the use of private horses and carriages than is appropriated for the other members of the cabinet.

I do not know if my amendment is adopted that it will be a saving to the treasury. I see that heretofore, when no appropriation of that kind was made, the contingent fund has been used for a similar purpose. I hold in my hand copies of vouchers for moneys paid out of that fund. They are as follows :

#### A \$1,600 CARRIAGE.

WASHINGTON, Jan. 27, 1872.

United States Department of Justice, to Andrew J. Joyce & Co., Dr.  
To one landaulet, No. 94, \$1,600. Received payment.

ANDREW J. JOYCE & CO.

BALTIMORE, July 29, 1871.

United States Department of Justice, bought of Coblens & Kaufman, one pair of bay horses, \$750. Received payment.

KOBLENS & KAUFMAN.

WASHINGTON, July, 1872.

United States Department of Justice, to Andrew J. Joyce & Co., Dr.

One pair stitched pole straps and gold slip buckle, \$8; new silk lining in landaulet, \$35.75; painting and varnishing landaulet, \$42.50; various other items same nature, \$124.88. Total, \$211.13.

Then in November last there was another bill for repairs of landaulet, and again in December, making in all over \$800. The landaulet seems to have been repaired from June, 1872, to December last, to the amount of about \$1,100. It must have been that it was not a good landaulet when it was purchased, though costing \$1,600, to require that amount of repairs.

Now I appeal to the Chairman of the Committee on Appropriations, who is supposed to be laboring here in the interest of economy, and who the other day struck out the enacting clause in a bill which provided for a small appropriation to remunerate widows and orphans who have been made such by lack of protection on the part of the government, which permitted the Indians to massacre their natural protectors. The occupant of the office, the Attorney-General, has the honor to be a constituent of mine; and I desire to see all my constituents treated equally well. I do not believe in giving \$2,000 for private purposes to a man who is already drawing a salary of \$8,000, while you refuse to compensate widows and orphans for property destroyed by the Indians through your own neglect.

I do not believe that it is under any circumstances legitimate to appropriate money to the heads of these departments for the purpose of transporting them about this city. Why not make a similar allowance to members of Congress? Why not make an appropriation of the same kind for the benefit of the Judges of the Supreme Court? Why not make the system equal and uniform everywhere? This constituent of mine is the only one who indulges in this gorgeous oriental splendor of riding in a sixteen hundred dollar landaulet. Why, sir, lawyers of my state of his calibre ride upon the outside of a fifty dollar mule, and think they are doing well at that. But, sir, there is a Spanish proverb, I believe, "Put a beggar on horseback and he will ride to the devil." Now, I have no objection —

Mr. Negley: I object to the remarks of the gentlemen in reference to a cabinet minister.

Mr. Nesmith: Well, sir, without making any direct reference to anybody, I say it is a Spanish proverb, "Put a beggar on horseback and he will ride to the devil." I have no objection to the termination of this journey in that direction, but I do not want the people to pay for the transportation.

Mr. Durham: I desire to ask the Chairman of the Committee on Appropriations one question in regard to this item. I have been appointed a member of a sub-committee to investigate the contingent expenses of the Department of Justice since its establishment in June, 1870; and I expect in two or three days to make a report upon the extravagance growing out of the contingent fund this department; but for the present, regarding it as inappropriate to make any statement as to what will be the substance of that report, I desire to ask the Chairman of the Committee on Appropriations how many horses are provided for in this appropriation "for care of and subsistence of horses?"

#### ALL THE HONORS YOU WANT.

Mr. Garfield: We limit it only by the amount appropriated; we have nothing to do with the number.

Mr. Durham: That is not answering my question. How many horses are provided for in this item?

Mr. Garfield: I answer the gentleman, that we say nothing about the number. There will be, I presume, so many as can be provided for (including the carriage) with this amount of money.

Mr. Durham: Then I put this further question to the gentleman: Whether it will take \$1,200 to keep one horse or two horses or three horses; and I renew the question, how many horses are provided for in this item?

Mr. Garfield: The gentleman can get all the echoes he may desire in answer to his question as to the number. I do not know the number, and do not undertake to state it.

Mr. Durham: The gentleman is not answering with fairness and candor.

Mr. Garfield: I have not the information upon which to answer, and therefore I do not undertake to do so.

Mr. Durham: Then I still put to my distinguished friend the question, whether he has the items to show how many horses there are in use by that department.

Mr. Garfield: If the gentleman has made a careful investigation as one of a sub-committee, and has his report inchoate and almost ready to launch, he certainly ought to be able to answer that question better than I can.

Mr. Durham: I can answer so far as the past is concerned; but in this bill we are providing for the future. I will answer that there have been three horses in use by that department in the past. Now, how many are there to be used in the future, for the year ending June 30, 1875?

Mr. Garfield: The number of horses to be used in the future is something I suppose that would require a prophet to predict; but if the gentleman—



Mr. Durham: The gentleman understands my question. How many have the committee provided for in this bill?

Mr. Garfield: Well, I am utterly incapable of furnishing brains for the understanding of a statement, in addition to making it.

Mr. Durham: If I have not got the brains to answer, I have the candor and honesty to answer; I will say that much. If my distinguished friend, who stands at the head of this Appropriation Committee, and who ought to know the purpose of this appropriation of \$1,200 for taking care and for the keep of horses, will not have the fairness or the candor to answer on the floor of this House, then I leave it to the House to judge between him and myself.

Mr. Garfield: There is no need of heat about this matter. The Committee on Appropriations have put in what they considered enough to maintain the expense of what now exists. The gentleman says that is three horses and carriages. I should suppose three horses, one for relay in case of accident, would not involve an extravagant amount, provided we proposed the heads of departments shall have the employment of horses and carriages.

Now, Mr. Chairman, the Attorney-General said this to the committee: that he is compelled in his office not only by his assistants to run the Court of Claims on the government side of it, but all the cases of the United States in the Supreme Court, and that there is not a day in which he does not require the use of a horse and carriage. Whether it should be by what the government owns or what they may hire makes no difference. If gentlemen want the Attorney-General to walk to the Supreme Court on foot, or to ride in the cars, or to go wherever else he goes as other citizens, if the gentleman wants to break down the habit of years, and sweep away all arrangements for horses and carriage, very well.

#### GENERAL GARFIELD BELIEVES IN AN OFFICIAL ARISTOCRACY.

According to Mr. Garfield, the attorney-general is not expected "*to walk to the Supreme Court on foot, or to ride in a car, or go wherever he goes as other citizens.*" According to him, Cabinet officers are an official aristocracy, not to be treated like "*other citizens.*" Although they receive \$8,000 a year salary, and serve the public, they must be allowed fine carriages, fast horses and gilded harness, to be paid for out of the treasury. He speaks of "*breaking down the habit of years and sweeping down all arrangements for horses and carriages.*" Whoever heard of horses and carriages furnished by the government for officials until Gen. Garfield and those like him sanctioned the bad "*habit.*" The pretense that a carriage is necessary for an attorney-general attending the courts is false. The sixteen-hundred-dollar landaulet which attorney-general Williams had the disbursing clerk of his department pay for out of the contingent fund was for the private use of himself and wife. Even the liveried driver was borne upon the pay-roll of the Department of Justice.

There were still other interesting discussions on this occasion.

Mr. Nesmith: Permit me to ask the gentleman a question.

Mr. Garfield: Certainly.

Mr. Nesmith: Does he believe there is any more necessity for providing these departments with expensive horses and a sixteen-hundred-dollar carriage than the judges or members of Congress? And in connection with that, does the attorney-general go every day to the Supreme Court? And another question in the same connection: Are these departments being run by horse power?

Mr. Garfield: Mr. Chairman, I have no doubt there are abuses; I know there have been abuses in regard to horses and carriages in the various departments. These are abuses, if not as old as the government, older than any member of the House. There has been no attorney-general from the foundation of the government who was not furnished with horses and a carriage by the government as a part of his official outfit for the performance of his duties. There is no hour of the day when the heads of the departments are not liable to be called upon to meet the President in Cabinet to consult with each other, and it is a matter of common decency in the transaction of business they should have it.

#### WILLFULLY FALSIFYING.

In stating that "*there had been no attorney-general from the foundation of the Government who was not furnished with horses and a carriage by the government,*" Gen. Garfield willfully falsified. He did not and could not produce a single example, record, appropriation or voucher justifying his baseless assertion. Attorney-General Williams was, shortly after this, driven from office. Even Grant could no longer retain him; yet Garfield appeared as his defender on the floor of the House. To this day Williams is known as "*Landaulet*" Williams. The exposure of this landaulet transaction had been made previous to Garfield's defense.

Mr. Wood, of New York, pertinently called attention to the fact that the practice of which Garfield spoke as long standing was a recent one. He said:

It is not true that the practice to which we now take exception is of long standing in this government, or is of any standing whatever prior to the incumbency of the gentleman who now fills that office. My memory, sir, goes back for a long period, not only with reference to the office of the Attorney-General of the United States, but with reference to all the executive departments; and I declare here that it is a practice of recent and modern introduction that any head of a department, that any executive officer of this government shall seek to be carried through the streets of Washington at the public expense.

Sir, the Chief Justices of the United States, including John Marshall and Roger B. Taney, never traveled at the expense of the government, either from their homes to Washington, or from their residences in Washington to the Capitol here, for the purpose of attending to their official duties. It is entirely a mistake to suppose that this is an old practice. It is an attempt to justify by an erroneous statement, founded upon a misapprehension, this system of having public coaches for the use of officials, bought by the money of the people, wrung from the industries of the nation.

#### STILL OTHER CASES.

Nor was this the only case that led to debate. On the same bill angry feelings broke out in another spot, but with less intensity. (See *Congressional Record*, April 24, 1874, page 40.)

Mr. Sener: I move to strike out the words for "horse and carriage, and keeping the same, \$1,200" (for the Commissioner of Pensions). It seems to me that with the improved facilities for passing from point to point in Washington afforded by the street cars, with the several departments connected as they now are by telegraph, we should not allow any bureau officer a horse and carriage.

Mr. Garfield: I will simply say in reply that the duties of the Pension Office are peculiar in this. It is in a building a great way from the Interior Department, in the Seaton House, and there are other buildings where the pension clerks are kept. A great deal of communication, of referring papers and of messages, is required to be done.

#### A PRETENCE OF ECONOMY.

Mr. Frye: Is it in the interest of economy for this bureau to keep a horse?

Mr. Garfield: We think it is.

Mr. Randall: Oh, no; it is not.

Mr. Sener: I wish to say in reply to the gentleman from Ohio that it is only a few minutes' walk from the Department of the Interior to the Seaton House, where many of the pension records are kept. Besides that, as my friend from Ohio very well knows, no paper carried to the Pension Office is acted on the same day it is carried there. Nor does the commissioner himself give personal attention to papers, except by sending for a clerk to bring in the papers; and then he gives a hearing and determines what he will do in the matter.

Mr. Lawrence of Ohio: I wish to ask my colleague (Mr. Garfield) why it is necessary to appropriate \$1,200 to keep a horse and carriage for one year. It is at the rate of \$100 a month. Now it does not cost any such sum in any city of the United States, or of the world; and this appropriation for such a purpose cannot be honestly expended.

Mr. Garfield: More than this was expended last year to keep up the establishment in this same office. The gentleman cannot hire a saddle horse in this city for less than \$25 a month at any respectable livery stable.

#### GARFIELD'S MISREPRESENTATION.

"That was the kind of argument Gen. Garfield employed to defend his culpable extravagance. He was consistent in that, as he was in misrepresentation, when he stated that some of the pension records were in "the Seaton House, a great way from the Department of the Interior." The distance is just three blocks, and one building is in sight of the other from the roof. Nine-tenths of the House and the audience were aware of this bold falsehood, and yet Gen. Garfield coolly went on, as if he was uttering undoubted truths to prop up a justifiable grant of public money.

Gen. Garfield is accountable for a system of reckless expenditure, by which the public service has been demoralized and millions squandered, during the time that he directed the appropriations as chairman of that most important committee.



## GARFIELD THE CHAMPION OF O. O. HOWARD.

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The Freedmen's Bureau and the Freedmen's Bank were twin monster frauds. The first was avowedly established to care for and maintain Southern white Union refugees and to protect and provide employment for the emancipated blacks. There was much suffering among the whites as well as the blacks at the South toward the close of the war. The social and industrial systems were broken up ; great hordes of negroes flocked to the Union armies, and the support of these two classes was a heavy burden upon the Commissary Department. To afford the white refugees and late slaves the means of self-support it was suggested that the lands within the Union lines abandoned by their owners should be parceled out to the helpless people, and that the government furnish them with the means of tilling the soil and supply their wants while awaiting the reward of their labor. Had this beneficial purpose been honestly adhered to, the greatest good might have been accomplished. The change from the system of slave labor to that of free could have been effected without a jar, and the owners of the soil and the emancipated slaves would have accepted the new order without ill feeling. The Freedmen's Bureau grew out of the desire to accomplish something of this sort.

Mr. Lincoln was most anxious to rehabilitate the States and favored a policy of reconciliation. He thought the Freedmen's Bureau would be a useful agent in the work he was undertaking. He exerted all his influence to restrain the Republican majority in Congress from conferring unusual powers on the Commissioner of the proposed Bureau and his subordinates. He wanted all the employees of the Bureau held responsible to the military authorities and amenable to court martial. The bills which were introduced at the second session of the Thirty-eighth Congress providing for the establishment of the Freedmen's Bureau did not confer any extraordinary power upon the commissioner, and he and his subordinates were, by the terms of the bills, amenable to the articles of war. Notwithstanding this, in the judgment of the majority of the Senate then, the commissioner had too much discretionary power, and several bills originating in that body or agreed upon in conference committees of the two Houses, were voted down. In the opinion of the late John P. Hale, of Maine, then a Senator, the loyal white people of the South were entitled peculiarly to the assistance of the Federal Government. He opposed the bills creating the Freedmen's Bureau because they did not provide for the distribution of abandoned lands and property to this class, or made them subordinate to the blacks. Finally an agreement was reached by which a bill was secured, through a conference committee, less objectionable than any of the others. This bill created the Bureau of Refugees, Freedmen, and Abandoned Lands of the War Department. Its management was to be

in the hands of a commissioner, who might have ten assistants. The act was approved March 3, 1865, and May 10, 1865, Gen. O. O. Howard was assigned to duty as commissioner. By a series of acts, passed by succeeding Congresses, the power of the commissioner was greatly enlarged and millions upon millions of property turned over to him, in the disposition of which he was well nigh unrestricted. The first attempt at this enlargement of the scope of the Bureau was made at the first session of the Thirty-ninth Congress, and the bill was vetoed by President Johnson. This veto was the beginning of the rupture between Andrew Johnson and the leaders of the Republican party. Gen. Garfield was among the most ultra of his party in advocating the enlargement of the powers of the Commissioner of the Freedmen's Bureau. He was always the champion of Gen. Howard. The management of the commissioner was even then denounced as bad, and the work of his subordinates was such as to draw from Gen. U. S. Grant, in his report of the condition of the Southern States after his tour through them in the Fall of 1865, the following stinging rebuke :

I did not give the operation of the Freedmen's Bureau that attention I would have done if more time had been at my disposal. Conversations, however, on the subject with officers connected with the Bureau, lead me to think that in some of the states its affairs have not been conducted with good judgment or economy, and *that the belief widely spread among the freedmen of the Southern States, that the lands of their former owners will—at least in part—be divided among them, has come from the agents of this Bureau. This belief is seriously interfering with the willingness of the freedmen to make contracts for the coming year.* In some form the Freedmen's Bureau is an absolute necessity until civil law is established and enforced, securing to the freedmen their rights and full protection. At present, however, it is independent of the military establishment of the country, and seems to be operated by the different agents of the Bureau according to their divided notions.

#### WHAT WAS PROVED AGAINST HOWARD IN 1870.

In 1870 the House of Representatives, compelled principally by exposures made in the Cincinnati *Gazette* by its Washington correspondent, General H. V. Boynton, of the illegal and corrupt administration of General O. O. Howard, directed an investigation into the affairs of the Freedmen's Bureau to be made. Of course, the result was a whitewashing report. Nevertheless, it was conclusively proved that appropriations made for, and the receipt of the Freedmen's Bureau, amounting to more than \$900,000, were by General Howard, without authority of law, turned over to Howard University, hospital and lands ; that portions of the land, alleged to have been sold for the benefit of Howard University went improperly to members of his family ; that he accepted in payment for some of this land, bonds which he had issued in aid of the First Congregational Church of Washington, and that he had never accounted for or redeemed these bonds ; that even the buildings for the Howard University and hospital were built of patent bricks made by a concern in which General Howard and members of his family were interested ; that he had appropriated labor belonging to the government, without compensation, to his private use ; that he drew their salaries in defiance of law ; that he advanced a large sum of money in his hands as a disbursing officer of the government to the Young Men's Christian Association of Washington, of which he was president, taking worthless security therefor, which disposition of the money of the government was embezzlement ; that he purposely suffered an officer of the Bureau to sell lands in Washington to a freedmen's school in North Carolina, and he paid for the same out of money appropriated for the school ; that he was privy to the swindles of the Freedmen's Bank, belonging to the Freedmen's Banking, and benefited by the use of the money collected from the poor negroes of that concern.

In addition to his duties as Commissioner of the Freedmen's Bureau he was, by Act of Congress, approved March 2, 1867, custodian of the retained bounty fund belonging to colored soldiers, and by Act approved March



29, 1867, he was to collect and disburse all moneys due to colored soldiers in Southern States, and "to be held responsible for the safe custody and faithful disbursement of the same." These acts were rushed through the House under the operations of the previous question, demanded by Gen. Garfield. (*Globe*, 1st Sept., 40th Cong., p. 445).

#### WHAT HAPPENED AFTER HOWARD WAS TURNED OUT.

By Act of June 10, 1872, the Bureau of Refugees, Freedmen and Abandoned Lands was discontinued and the business therefor turned over to the Adjutant-General's Office of the Army. When the Adjutant-General's Office took possession of the discontinued Bureau they found everything in great confusion, many of the important papers and record books being lost, and a deficit was also discovered in the retained bounty fund accounts. It was found also that Gen. Geo. W. Balloch, Chief Disbursing Officer of the Bureau, claimed to have on deposit with the Treasurer of the United States \$520,974.07, when in reality there were only \$241,356.61 on deposit. Upon this matter being investigated, it was found that Balloch had in his own possession two hundred and fifty thousand dollars on the United States bonds, on which he had been drawing interest, and he claimed that the value of these was more than the deficit of \$279,617.46 in his account with the Treasurer. On this showing he was suspended and ordered to be mustered out of the army. He claimed in his defense that he had the authority of the second Comptroller and the Treasurer of the United States to convert the money into bonds, but this was held to be no justification. Assistant Adjutant-General Vincent, in his report of October 7, 1872, on the condition of the accounts in the Freedmen's Bureau when he assumed control of it under the Act of Congress, above quoted, says:

#### THE PROOF TURNS UP AT LAST.

The number of unpaid claims transferred is 4,858, amounting in the aggregate to \$730,596.80; the amount transferred for their payment, \$726,842.11, leaving a deficit yet to be accounted for of \$3,754.69. This deficit was promptly reported to the Secretary of War with whom rests future action. The treasury certificates issued in settlement of the unpaid claims mentioned above are shown by the records to have been received at the Freedmen's Bureau at various dates extending back to May, 1867. In addition to the sum of \$726,842.11, as stated above, there is the sum of \$31,078.03 transferred as being due to certain claimants *borne upon the records as paid*, and with which amount the accounts of the late disbursing officer of the Bureau have probably been credited at the treasury. Complaints have been made that claimants have not received from the late Bureau their bounties, rations, or aid, &c. The treasury accounts of the Bureau disbursing officer show payment to have been made, and there is reason to believe that claimants have been defrauded extensively of the said money.

Investigations into irregularities connected with the management of the retained bounty fund and the payment of moneys due to colored soldiers, sailors and marines were still further prosecuted by the Adjutant-General's Office. Irregularities were discovered almost daily, and large sums of money found to have been paid on fraudulent claims. These investigations by the Adjutant-General's Office, together with developments which have been made from time to time, establish beyond controversy the fact that the Howard University was a swindling enterprise from beginning to end. Although \$993,611.38 of government money was illegally invested for the benefit of this institution, it is to-day almost bankrupt; and is only maintained by the closest economy and a large reduction in its corps of teachers. About \$220,000 were originally invested in real estate attached to the University, and of this there remains for that institution a very small quantity, the balance having gone in various ways into the hands of speculators connected directly or indirectly with the Freedmen's Bureau, of which Howard was the head and front.

The facts developed in regard to the management of the retained bounty fund, the moneys due to colored soldiers, sailors and marines by the Adjutant-General's

Office so directly implicated Howard with outrageous frauds, which had been practiced upon the unfortunate negroes as well as upon the government, that the President was forced, although much against his inclination, to order a court of inquiry to investigate the matter. The majority of this court, as constituted, consisted of officers so connected with Howard in the past that it was not possible for them to render an impartial finding. The result was what it was predicted it would be at the time the Court was constituted, although a minority held Howard to be guilty of embezzlement. The finding of the Court was reviewed by the Judge-Advocate-General of the Army, Gen. Joe Holt, who held, in an able and exhaustive opinion, that the majority had clearly erred; *and further said, that the construction of the law and army regulations by the majority of the Court was in direct conflict with an unbroken line of decisions.*

Notwithstanding all these facts, which Gen. Garfield was cognizant of, he offered the following amendment to the Sundry Civil Bill at the first session of the Forty-third Congress:

That there be paid to Major-General O. O. Howard, out of any money in the treasury not otherwise appropriated, the sum of \$7,000, to reimburse him for the expense he incurred in defending his official conduct as Commissioner of Freedmen's Affairs.

Mr. Spear, of Pennsylvania, wanted to know if Gen. Garfield knew of any other alleged criminal whose expenses were asked to be paid by the United States. He replied that Howard had been put through a fiery ordeal and had been acquitted, when he very well knew that only a court of inquiry had sat upon his case and that its verdict had been the Scotch one—"Not proven." The appropriation was not made, although Gen. Garfield advocated and voted for it.—(See *Cong. Record 43d Cong., 1st Sept., pp. 4887-88*).



## THE BLACK FRIDAY SCANDAL.

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### HOW GENERAL GARFIELD SOUGHT TO SUPPRESS THE TRUTH.

On December 13, 1869, Mr. Schenck offered a resolution in the House of Representatives directing the Committee on Banking and Currency to investigate the Black Friday scandal. It was adopted. Gen. Garfield was chairman of the committee charged with the inquiry. The intention was to whitewash President Grant and his family. Gen. Garfield undertook the job. On March 1, 1870, he submitted his report to the House. In it he says:

The committee find that the wicked and cunningly devised attempts of the conspirators to compromise the President of the United States or his family utterly failed.

How utterly and wickedly false this statement was the following history of that memorable scandal, compiled altogether from the evidence taken by Gen. Garfield's committee, will demonstrate.

### GRANT'S FIRST MEETING WITH FISK AND GOULD.

On the evening of the 15th of June, 1869, a gay party, composed of Ulysses S. Grant, Jay Gould, and Jim Fisk, each accompanied by his retainers, left New York for Boston on one of Gould's highly ornamented steamers. The ostensible object of the trip was to attend Patrick Sarsfield Gilmore's Peace Jubilee. The arrangement of the details had been intrusted to Fisk. At supper on the steamboat the conversation was deftly turned to the "state of the country." Gould, in his sworn testimony before the Garfield Committee of the Forty-first Congress, describes this supper and says of the conversation: "The President was a listener. The other gentlemen were discussing. Some were in favor of Boutwell's selling gold, and some were opposed to it. After they had all interchanged their views, some one asked the President what his views were. He remarked that he thought there was a certain amount of fictitiousness about the prosperity of the country, and that the bubble might as well be tapped in one way as another. That was the substance of his remark. He asked me what I thought about it. I remarked that I thought if that policy was carried out it would produce great distress and almost lead to civil war; it would produce strikes among the workmen, and the workshops to a great extent would have to be closed; the manufactories would have to stop. I took the ground that the Government ought to let gold alone and let it find its commercial level; that, as a matter of fact, it ought to facilitate an upward movement of gold in the fall. The fall and winter is the only time that we have any interest in. That was all that occurred at that time."

The key to Gould's conversation is found in the fact that those who accompanied him were his stool pigeons. The talk was arranged beforehand for the purpose of ascertaining Grant's opinions, and approaching him at points where he appeared most vulnerable. He was in the hands of trained gamblers, and they, in the parlance of their trade, were "playing him for a flat." A deadhead jour-

ney to Boston, a free supper, and an abundance of champagne constituted the vulgar bait thrown out to catch the Chief Magistrate of the American people. And he was caught.

#### GOULD AND GRANT'S BROTHER-IN-LAW SELECT AN ASSISTANT TREASURER.

In June, 1869, about the time of the Boston Peace Jubilee, Mr. H. H. Van Dyck resigned his office as Assistant Treasurer at New York. Jay Gould undertook to name his successor, with a view to controlling the treasury when the time should come to "corner" the gold market. He had already formed an alliance with Abel R. Corbin, the brother-in-law of Grant. Corbin was a ready writer and a man of some ability. He had been unsuccessful in business, and was willing to trade on his influence at the White House. Years before he had served an apprenticeship in the lobby at Washington. He could talk politics and finance with great fluency, and Grant frequently sought his counsel. The fact that he was not strictly honest never interfered with the cordiality of their relations.

Robert B. Catherwood, an eminently respectable man, who had married Corbin's step-daughter, was suggested for Assistant Treasurer. Gould and Corbin talked with him on the subject, and urged him to take the place that the three might operate together and make a great deal of money "in a perfectly legitimate manner." Mr. Catherwood, in his testimony, says that his ideas differed from theirs as to what constituted a "legitimate manner," and he declined the office. It was then decided to confer it upon Gen. Daniel Butterfield, who, when this design was made known to him, wrote a letter thanking Mr. Corbin very kindly, hoping that he would exercise his influence, as he had previously done, and saying that he was under many obligations to him, and that he trusted he would be successful. The work in which Corbin expected to be successful was in cornering gold through the aid of the Assistant Treasurer. In due time Gen. Butterfield was commissioned, and Corbin's standing was measurably increased in the eyes of Gould and Fisk. Mr. Corbin had first appeared to Gould as a suppliant for favors. On the strength of his relationship to Grant he wanted to be taken into some enterprise where he could make money. It was then that Gould suggested the feasibility of advancing the price of gold, which was then among the thirties, to the forties or fifties, provided the Government could be induced to assist them. His theory was that a rise would facilitate the exportation of grain, but he hastened to add: "We could make money both ways by buying it then and selling it on the rise." Gould adds this compliment in speaking of Corbin: "He was a very shrewd old gentleman. He saw at a glance the whole case, and said he thought it was the true platform to stand on; that whatever the government could do legitimately and fairly to facilitate the exportation of breadstuffs and produce good prices for the products of the West they ought to do. He was anxious that I should see the President, and communicate to him my views on the subject." It was because of this preconcerted anxiety that the deadhead excursion of the 15th of June was arranged. Of course Corbin was among the invited guests, and the subsequent proceedings seem to show that he improved the opportunity to impress his brother-in-law favorable with his friends Gould and Fisk.

#### FREQUENT INTERVIEWS BETWEEN GRANT AND GOULD.

When Grant returned from Boston he went directly to Corbin's house, where he held a protracted interview with Jay Gould, during which, according to testimony, Grant said to Corbin: "Boutwell gave an order to sell gold, and I heard of it and countermanded the order." This was the first positive declaration the



conspirators had received that they had won the President over to their side, or that they could count on his co-operation. Gould was so pleased that he immediately tendered to Grant the free use of a special train to take him to Corry, Pennsylvania, and thence to Philadelphia. This offer was greedily accepted.

On the 19th of August, Grant went to Newport, where Jim Fisk went to see him. Fisk, in his testimony, said: "I think it was some time in August that General Grant started to go to Newport. I then went down to see him. I had seen him before, but not feeling as thoroughly acquainted as I desired for this purpose, I took a letter of introduction from Mr. Gould, in which it was written that there were three hundred sail of vessels then on the Mediterranean, from the Black Sea, with grain to supply the Liverpool market. Gold was then about thirty-four. If it continued at that price, we had very little chance of carrying forward the crop during the fall. I know that we felt nervous about it. I talked with General Grant on the subject, and endeavored, as far as I could, to convince him that his policy was one that would only bring destruction on us all. He then asked me when we should have an interview, and we agreed upon the time. He said: 'During that time I will see Mr. Boutwell, or have him there.'"

It is interesting to know that the lamented Fisk, with steamboats, railroads, terpsichorean divinities, and other affairs to manage, still found time to give the President of the United States lessons in finance; and that backed by Gould's letter of introduction, he succeeded in his mission and induced the President to adopt a fallacy so absurd that its bare statement condemns it—the fallacy that an unnatural premium on gold is essential to the maintenance of our foreign commerce.

During the weeks preceeding Black Friday, Grant was very frequently in New York, and usually in the company of Corbin. His intimacy with Fisk and Gould began to attract attention, but he paid small heed to the criticisms passed upon him on that account. On the 2d of September he went to Saratoga, leaving poor Rawlins, his Secretary of War, who had been his mentor and guide through all his military career, to die unattended in Washington. He was recalled on the 6th to attend Rawlin's funeral, but on the 10th he again appeared in New York. Gen. Rawlins left no property, and a fund was raised for the benefit of his family. Gen. Grant subscribed \$1,000 to this fund. Gould and Fisk not only gave a larger amount, but they paid Grant's subscription for him. He accepted their gift with unblushing promptitude.

The plotters were resolved to make hay while the sun of official favor shone upon them. On the 2d of September, Jay Gould, having thoroughly convinced himself that he could rely on the brothers-in-law Corbin and Grant, bought for Corbin \$1,500,000 in gold, at an average price of 132½. Gould was afraid, however that Boutwell might interfere. He says that some of those who were short of gold had arranged to give the Secretary a dinner, and he was solicitous as to what the effect might be. He sought out Corbin again, who assured him that the President was all right; that at his (Corbin's) house Gen. Grant had written a letter directing Boutwell to sell no-gold, without consulting him, and that he had intrusted this letter to Butterfield, who afterward told Gould that he had delivered it. Nothing now remained but to put the President safely out of the way in some remote corner where the rising storm of public indignation would not reach him nor compel him to recognize and perform his duty.

#### GRANT HID HIMSELF IN AN OBSCURE VILLAGE.

The little town of Washington, Pennsylvania, was accessible by rail in 1869 only by way of Wheeling, West Virginia. It was cut off entirely from tele-

graphic communication, and it was, perhaps, the best place in the United States in which to seclude a man whose absence was essential to the success of a financial conspiracy. To that point on the 13th of September the President made his way. He explained that he wanted to visit a family of the name of Smith, a distant relative, whom he had not seen for thirty years.

The country was on the verge of financial disaster. Merchants, importers, all who bought and sold, began to feel that they were at the mercy of a clique of sharpers and gamblers who were bent on driving the gold premium up among the eighties or nineties, that they might clear thirty millions at the expense of every legitimate interest of trade. They knew that this premium was fictitious and speculative; that under an honest and intelligent management of the Treasury it could not exist. But what were the relations between the government and the sharpers? That was the question which sorely disturbed the minds of honest men. Gould was deep and taciturn, but Fisk was shallow and talkative. In warning his friends, in threatening his enemies, he blurted out the secrets of the combination. He swore he would carry gold up to 200, and when he was told that the government could block his game by selling gold, he answered: "The President is with us." This revelation threw a new light on the intimacy between Grant and these gamblers. Men of high standing hastened to the capital to tell the President what dangerous persons his new friends were, and to point out to him the necessity of immediate action. When they got there they were gravely told that Grant was gone. Gone where? To an unheard-of town, out of the line of communication, but he had left orders to sell no gold. They came away disheartened.

#### THE CONSPIRATORS WERE JUBILANT—\$25,000 TO MRS. GRANT.

Fisk testified that about the 16th of September he bought gold to the amount of seven or eight millions. Gould made much heavier purchases. The price was forced above 140, and the syndicate controlled from fifty to sixty millions of it.

On the 20th of September Gould said to Fisk (this is sworn testimony): "This matter is all fixed up; Butterfield is all right. Corbin has got Butterfield all right, and Corbin has got Grant fixed all right; and in my opinion they are interested together." Fisk says that was a point he did not take into consideration. He supposed Corbin had convinced Grant by argument that forty-five was the proper gold premium at which to move the crops. He did not believe up to that time that Grant, or anybody nearer to him than his brother-in-law, had a stake in the scheme. When Gould suggested it, he was startled, and resolved immediately to see Corbin. He said to Gould: "You give me a letter to him, so that he will talk confidentially with me." He got the letter, and he gave under oath, before the Committee on Banking and Currency, this account of what followed: "When I met him he talked very shy about the matter at first, but finally came right out and told me that Mrs. Grant had an interest; that \$500,000 in gold had been taken by Mr. Gould at 31 and 32, which had been sold at 37; that Mr. Corbin held for himself about two millions of gold, \$500,000 of which was for Mrs. Grant and \$500,000 for Porter. I did not ask whether he was General or not. I remember the name Porter. This was given out very slowly. He let out just as fast as I did when he found that Gould had told me about the same thing. I said: 'Now I have had nothing to do with your transactions in one way or the other. You can make your pathway clear and straight by emptying it all out to me, because Mr. Gould and myself stand together; we have no secrets from each other; we have embarked in a scheme that looks like one of large magnitude.



Mr. Gould has lost as the thing stands now. It looks as if it might be pretty serious business before getting out straight again. The whole success depends on whether the government will unload on to us or not.' He said: 'You need not have the least fear.' I said: 'I want to know whether what Mr. Gould told me is true; I want to know whether you have sent this \$25,000 to Washington as he states.' He then told me that he had sent it; that Mr. Gould had sold \$500,000 in gold belonging to Mrs. Grant which cost 32 for 37 or something in that neighborhood, leaving a balance in her favor of about \$27,000, and that a check for \$25,000 had been sent. Said I: 'Mr. Corbin, what can you show me that goes still further than your talk?' 'Oh, well,' the old man said, 'I can't show you anything; but,' said he, 'this is all right.' He talked freely, and repeated: 'I tell you it is all right.' When I went away from there, I had made up my mind that Corbin had told me the truth."

#### GARFIELD TRIES TO MAKE \$250 OUT OF \$25,000.

Before the Banking and Currency Committee, there appeared a witness, W. Havgrave White, who was ready to swear that he had examined the money delivery book of Adams Express Company, and that he had seen the entry of a package sent from New York, some time in September, 1869, to Mrs. U. S. Grant, White House, valued at \$25,000. The majority of the committee, under Garfield's lead, refused to receive this testimony. The manager of the express company, Samuel M. Shoemaker, privately told Mr. Garfield that no such entry appeared, and he was called to the witness stand to substantiate this statement. He produced his money package book, assuring the committee at the same time that it contained no delivery to Mrs. Grant. Mr. Samuel S. Cox of the minority of the committee, asked to examine the book. It was handed to him, and running his eye down the page, he read aloud this entry: "September, 1869, Mrs. U. S. Grant, White House, money package, value \$25,000." Garfield jumped to his feet in unfeigned astonishment, while Shoemaker appeared to be overwhelmed with surprise. He studied the book for several minutes, and finally said: "After careful examination I am satisfied that it is \$250." He explained that by inserting before the last two ciphers a period, which had been accidentally omitted, it would read \$250 and no cents. On this imaginary period Garfield bases the declaration in his report "that the wicked and cunningly devised attempt of the conspirators to compromise the President of the United States or his family failed."

#### GRANT FRIGHTENED BY FISK.

Jim Fisk was too impetuous. He wanted not only the "old man's" assurance that "it was all right" with the Grants, but he insisted that Corbin should write a letter to the President urging him to stand firm and not to sell gold on government account under any circumstances. Poor Corbin was already in the job up to his ears, and he readily wrote the letter. Fisk caused it to be delivered by a special messenger, who left Pittsburgh at 1 o'clock in the morning and rode twenty-eight miles on horseback to Washington, Pa. He arrived at the house of Grant's distant relative about 9 o'clock in the morning and delivered the letter. The President read it carefully, and after holding a consultation with his wife in regard to its contents, he said to the messenger: "It is satisfactory; there is no answer." But from that moment he took the alarm. The rumble and roar of the great financial storm had actually penetrated his remote hiding place. Another messenger came to him direct from the capital telling him he must return; that imperative business demanded his attention; that another day's absence might destroy his fame. Then it was, according to Corbin's testimony, that Mrs. Grant

wrote to Mrs. Corbin saying that the President was greatly distressed to learn that her husband was speculating in Wall street, and expressing the hope that he would immediately disconnect himself from anything of that sort. This letter appears to have frightened Corbin, but his fear did not get the better of his shrewdness. He sent for Jay Gould, and told him that he (Corbin) must go out of the matter; that it had created a great deal of feeling in his own family as well as on the part of the President, and that it must end immediately. But he wanted \$100,000 as his share of the profits in a partnership where he had invested his brother-in-law's against Gould's money. Gould says, under oath: "I told him I would give him \$100,000 on account, and that, when I sold, if he liked, I would give him the average of my sales. I did not feel like buying any gold of him then."

Corbin's fright, the return of the President to Washington, the growing excitement in financial and business circles, warned the speculators that they were approaching the end of their rope. On Thursday, the 23d of September, they knew that Wall street could not bear the pressure more than one day longer. On Thursday night Gould, as usual, was saturnine and Fisk mercurial.

#### THAT AWFUL DAY.

Black Friday came. The business of the metropolis stood still at the audacious command of a clique of sharpers. Every artery of trade, every nerve of enterprise, felt a shock as of paralysis. Merchants rose from sleepless beds to make their way to Wall street, hoping against hope that they might find some way to purchase the gold required to meet their contracts. Bankers who had faith in the honesty of the administration, and who had invested heavily, in the belief that the fictitious price could not last, grew wild with excitement when they found what preparations were making to corner the market. On the previous day gold had risen to 144. If it remained there or went higher thousands would be irretrievably ruined—not speculators alone, but honest business men with whose honor and credit these jugglers of the street were playing their game.

Gould and Fisk were early on the ground. They operated through a number of brokers, directing that all gold which was offered should be purchased till the "corner" was complete. Gould himself kept out of sight. He was known to be in his office, but he was careful that his orders should be issued through some third party. He was playing with loaded dice. If he won, he intended to pocket the profits. If he lost, he could repudiate his contracts.

All through the forenoon the excitement increased in intensity. Hundreds of telegrams were sent to Washington, appealing to the President to sell gold on government account, and thus break this conspiracy against the public welfare. These appeals were accompanied by plain hints that delay would be accepted as proof that Grant was in league with the gamblers.

At noon the order came to sell \$4,000,000 in gold for the government. The order was communicated to the Assistant Treasurer by telegraph, and was immediately made known to Jay Gould and Jim Fisk, who, being thus forewarned, set to work to save themselves from the wreck in which they had involved the street. Among the brokers operating on their account was Albert Speyer, who had formerly been a brewer and had accumulated a handsome fortune. Throughout the forenoon he bought largely, bidding as high as 60 and 65 for gold. When the news reached the Gold Room that the government was selling, the premium immediately declined to 35. But Speyer kept on buying at 60, obeying implicitly the orders he had received from the chief conspirators.



When he was loaded down with more millions than he could count, he rushed wildly to Gould's office to report progress. He was received with the cool remark, "We don't want any of your damned gold." Poor Albert Speyer staggered out of the place, and before the close of the day was insane.

When night fell on Black Friday, New York felt that all the conditions of her commercial prosperity had been rudely assailed. The nominal transactions in gold for that one day aggregated \$500,000,000. Fifty houses failed outright, and more than three times that number were rendered insolvent by their losses. The Gold Exchange did not open its doors again for business till the 30th of September. The demoralizing effect of the conspiracy spread far and wide.

## GARFIELD THE FRIEND OF ROBESON.

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### THE CORRUPTOR OF THE PUBLIC SERVICE AND DESTROYER OF OUR NAVY.

Gen. Garfield has never failed as a member of Congress to defend rogues in high places. He has always been a sturdy opponent of investigations to unmask fraud and punish wrong-doers. Fellow-feeling makes us wondrous kind. He has experienced the evil effects of such inquiries, and very naturally opposed them upon every occasion and under all circumstances.

He is the friend of George M. Robeson, late Secretary of the Navy, whose administration of that department was the most corrupt, the most profligate and the most destructive, not only of our navy, but of the morals of our naval corps, that ever afflicted this or any other country. As Chairman of the Committee of Appropriations, Gen. Garfield was in a position to have curbed Robeson's reckless extravagance and check his destructiveness. All the estimates for the navy came to his committee. He passed upon all of them. Did he ever cut them down or propose any restrictive legislation? Never!

### GENERAL GARFIELD CANNOT PLEAD IGNORANCE.

He and his defenders cannot plead ignorance of Robeson's misdemeanors, of his shameless profligacy, of his wanton destruction of the American navy, of his open favoritism in purchasing materials and awarding contracts, of his illegal payment of trumped-up claims, and the consequent general demoralization of the service. The exposure of Robeson's corruption began in 1872. A republican representative, a gentleman of the highest character, Governor Blain, of Michigan, moved an investigation into some of Robeson's methods at the second session of the Forty-second Congress, which resulted in the most startling exposures. Two facts, brought to light by the inquiry, is sufficient to illustrate the character of Robeson's administration of the Navy Department, and establish the truth of our statement.

### THE PAYMENT OF THE SECOR CLAIMS.

During the civil war Secor & Co. and Perine, Secor & Co. contracted with the Navy Department for the building of certain monitors for the sum of \$460,000 each. These vessels were built, accepted by the government, and did good service. In consequence of a necessary change in the specifications of these vessels, determined upon by the Navy Department, after the contracts were made and work commenced, a large amount of extra work had to be done by the contractors. They did it, and after the vessels were finished and accepted by the department, they presented a large claim for additional compensation. They did not, however, confine their claim to the extra work rendered necessary by changes in the specifications. They demanded a very large sum for losses, in consequence of the rise in the cost of material and labor. They alleged that the changes ordered by the department caused delay, and that during the time lost thereby the ad-



vance occurred. The Secretary of the Navy, Hon. Gideon Wells, recognized the justice in principle of these claims and pursued the only course recognized by the law. He appointed a board of competent naval officers, at the head of which was the late Admiral Gregory, and to this board all these claims were referred. There were many others besides those of Secor & Co. and Perine, Secor & Co. This board examined, item by item, every charge made by the contractors for extra work, and upon their certification of the bills to the secretary they were promptly paid. There were paid in this way to Secor & Co. and Perine, Secor & Co., over and above the contract price of their work, the sum of \$521,195.58. This was every cent allowed by Admiral Gregory's board. The contractors, of course, were not satisfied. Who ever heard of one who was willing to acknowledge that the government had dealt fairly and justly by him? But Secretary Wells had done all that the law in his judgment permitted him to do. He treated the matter, so far as his department was concerned, as *res adjudicata*. The contractors must appeal to Congress. His duty was performed. If they had equities, Congress was the only body that had jurisdiction.

#### CONGRESS, IN 1868, PAID EVERY DOLLAR DUE THE SECORS.

Some time prior to March, 1865, the Secors and some forty other naval contractors appealed to Congress for relief, alleging that they had suffered great loss in the performance of their contracts over and above the contract price and allowance for extra work. They organized one of the strongest lobbies ever known about the Capitol. It was known as the "Iron Clad Lobby," and its doings are to this day the subject of gossip by the ancient habitués of the national capital. The result of this application to Congress was a request by the Senate, March 9, 1865, to the Secretary of the Navy, to organize a board to inquire into, determine and report how much the vessels of war and steam machinery contracted for by the department in 1862-3, had cost the contractors "over and above the contract price and allowance for extra work." Only those contractors who had given satisfaction to the department were to have consideration. This was the foundation of all subsequent legislation on the subject. The object was to establish a principal upon which the contractors could be fairly and equitably settled with by the government. Secretary Wells appointed the board, and made Commodore W. O. Selfridge president of it. The report of this board was sent to the Senate January 30, 1866. It contained a recommendation in favor of the Secors for \$119,057 upon each of the three vessels—the Tecumseh, Mahopac, and the Manhattan. Nobody was satisfied with this report, and accordingly an act was passed by Congress directing the Secretary of the Navy to constitute a new board to ascertain the additional cost which had been necessarily incurred by reason of the changes and alterations in the plans and specifications and the delays caused thereby, which were not provided for in the original contract, the amount of all payments on account thereof to be deducted. A more comprehensive provision could not have been devised. Surely the contractors ought to have been satisfied with this enactment.

The secretary appointed a new board, of which Commodore J. H. Marchand was president. This board reported to the secretary November 26, 1867, who forwarded the same to Congress. The Secors were allowed by it \$115,539.01 on account of the Tecumseh, Mahopac and Manhattan. Thereupon Congress determined to close, once and for all time, this matter, and by act of July 13, 1868, appropriated \$115,539.01 to be paid Secor & Co. and Perine, Secor & Co., "IN FULL DISCHARGE OF ALL CLAIMS AGAINST THE UNITED STATES ON ACCOUNT OF VESSELS UPON WHICH THE BOARD MADE ALLOWANCE AS PER REPORT."

The Secors applied to the Treasury Department for this sum of \$115,539.01, received it and gave a receipt that it was "*in full discharge of all claims against the United States on account of the vessels Tecumseh, Mahopac and Manhattan, upon which the board made allowance, as per report.*"

#### ROBBER ROBESON VIOLATES THE LAW.

Could anything be more explicit and conclusive. They had merely an equitable claim. Congress, the only body having jurisdiction, acted upon their case, settled it, and required them, in accepting its allowance, to move hereafter all other claims which they might think had not been justly dealt with. Congress possibly might, in the plenitude of its power, not hold itself bound to regard this adjudication final; but would anybody suppose that a Secretary of the Navy, two removes from Secretary Wells, would feel himself justified in revising the work of Congress? Secretary Wells has regarded the whole subject of these claims *res adjudicata* long before he went out of office, and had referred the claimants to Congress. It is the unwritten law of the executive departments that a succeeding head shall not revise the decisions of his predecessor. Even this should have been sufficient to deter an honest Secretary of the Navy. But in this case not only had his predecessor passed upon the matter, but Congress itself had adjudicated it, and, as it intended, placed a bar against any further claim by the Secors. What did George M. Robeson do? He appointed another board, without any authority of law whatever, referred to it the identical claims which the Secors had submitted to the Merchant Board and which they had received, "*in full discharge of*" \$115,539.01! Moreover, Mr. Robeson selected the Secors out of all the other contractors, forty odd, who had been treated in the same way by Congress. Nevertheless, he did it. He appointed a board, of which Commodore Bogy was president, and on August 7, 1869, it convened in Washington, examined the claims of the Secors for the construction of the Tecumseh, Mahopac and Manhattan, and on August 20, 1869, reported, allowing \$93,000. This report was based solely upon a comparison of bills paid to one Greenwood for building another monitor. This award was forthwith paid by Robeson out of the appropriation for the current year for the support of the navy, in itself an illegal act, and against the remonstrance of Admiral Porter and the declaration by Chief Constructor Senthall that it was illegal.

#### ANOTHER WORTHLESS CLAIM PAID.

This claim of the Secors was managed and manipulated by one Simeon M. Johnson, a claim agent, who, fortunately for himself and unfortunately for the people of the United States, easily formed the closest relations with Robeson. Johnson's next operation with Robeson was to put through the Hungerford claim. Whipple & Stickney, as the attorneys of one Fayette Hungerford, a citizen of New York, had for collection a claim of \$230,000 against the government. This amount was alleged to be due for losses sustained by Street & Hungerford, of Memphis, Tenn., by reason of their property having been taken by the United States army upon its occupation of that city. A portion of this property came into the possession of the naval forces and was taken to the naval station at Mound City, Ill. Street was identified with the Confederacy, while Hungerford was loyal. The claim was assigned to Hungerford, probably because of Street's indebtedness to him. Capt. Paterson, of the navy, certified that this property received at Mound City was worth about \$75,000. Johnson undertook the management of the case in February, 1871; on the 15th of the month he writes to Whipple & Stickney.



## AN INTERESTING CORRESPONDENCE.

I have presented Fayette Hungerford's papers to the secretary, \* \* \* but there cannot be an adjustment till after the 4th of March.

These letters of Johnson, the intimate and confidential friend of Robeson, to Whipple & Stickney, are very interesting, and we quote liberally therefrom:

MAY 3, 1871, he writes: I had yesterday and to-day discussing the case of Hungerford at the Navy Department—that is, the question of the sufficiency of proofs. I found it worse than bad policy to press it during the session, and agreed to lay it over. \* \* \* I am quite satisfied with the matter, except that it is not clear that there is any money to pay it. I think there is, and shall endeavor to find it, in case I get an order."

By June 8, 1871, Johnson was so far progressed that he thought it time to receive his and his friends share. He wrote, among many other things, the following:

"I have encountered a good deal of trouble in your case; some of it, I fear, insurmountable. \* \* \* I have made no proposition of compromise whatever, nor would I do so without your advice and consent. I wish to consult your principal, and if he is willing to take \$40,000 I will go to work on new propositions of adjustment. Meanwhile, be assured that I will at any time surrender the papers without compensation to myself. \* \* \* They are always difficult (old matters), and in nine cases out of ten it is impossible to work them out. I do not want to influence your client in the least, but \* \* \* I would think him lucky to get \$40,000.

JUNE 9, 1871. \* \* \* A compromise needs a power of attorney; and to enable me to speak by authority I must have such power, which must be full; that is, to demand and receive of the Navy Department the amount that shall be found due on the claim, giving me absolute power to adjust the same at my discretion. \* \* \* The matter has to be worked up a little at a time.

JUNE 17, 1871. \* \* \* Now, what I want is a full power of attorney in my own name. \* \* \* I am certain that the terms I make are decidedly best for your client. If you and he think not, then I will surrender the papers.

JUNE 22, 1871. \* \* \* The claim is very old. \* \* \* By the original agreement I was to have \$15,000 of \$75,000; but the wording of your memorandum is 15 per cent. I would like a prompt answer, as I have but little time to work up the matter. So far from wishing you to confirm these terms I would prefer to surrender the papers, for really I do not like the case. But having gone so far, if you feel yourself authorized to say to me that I may collect the claim and pay you \$40,000, I will proceed.

## "I MUST CHANGE MY TACTICS"—WHAT IT COST.

JULY 1, 1871. I may now add that I have been pressing the Hungerford claim, and expect to get the necessary reports within a few days. It is just one of those old things which is valueless if not nursed and worked up with great care. I have undertaken it so as to secure \$40,000 to Hungerford and leave myself out of it, beyond my expenditures, nominally \$10,000, but really not more than eight. The truth is, in ordinary hands the claim is good for nothing except to present to Congress, which really makes it valueless. I am confident shall work it off within a short time; and, in doing so, shall do your client a very great favor. I think I have gotten rid of the difficulty in the way of payment under the act of July, 1870, requiring unexpended balances to be covered into the Treasury. \* \* \* I would recommend you to get from Hungerford an assent to receive a specific sum of money, on the basis of my payment to you when the claim is allowed, of \$40,000. \* \* \* All I can pay is \$40,000 to you, no matter what is allowed, and that you should distinctly say to Hungerford. My arrangement, verbally made, was \$15,000 for my fee, and I then said it was hardly likely that more than \$60,000 would be paid. I found that, to get any sort of hold, I must change my tactics; and to do so I would be required to incur a large expenditure. \* \* \* I have written you in all candor and to avoid all dispute. It is a question if \$60,000 is allowed, or whatever sum, whether your power is sufficient to accept \$40,000 and close the concern. Your authority through Mr. Whipple to me, is absolute, that you will accept \$40,000; and your power to compromise is complete, but it must be a compromise with the government, not with me. You instruct me to settle on payment of \$40,000 to you. That, of course, is sufficient for me; but I don't want to close out this thing and leave anybody to quarrel about. All old claims are suspicious; and any payment, if proclaimed, would be condemned. You understand me.

## THE WORTHLESS CLAIM PAID—A \$35,000 FEE.

JULY 6, 1871. When I want Hungerford, will telegraph you; don't want any more papers, I think. JULY 13, 1871. Send your receipt to me for \$40,000 in full, and draft attached to Riggs & Co., and possibly to-morrow, almost certainly, draft will be paid.

On July 14, 1871, Johnson received \$75,000 for the Hungerford claim, as per the following voucher on file in the Fourth Auditor's office:

The United States Navy Department to S. M. Johnson, attorney for Fayette Hungerford, Dr., for property and materials furnished the naval station at Mound City, prior to June 30, 1870, seventy-five thousand dollars. Total, \$75,000. Approved in duplicate for \$75,000, payable by Paymaster Edwin Stewart, at Washington, from the appropriation of contingent yards and docks, 1860-'70.

GEORGE M. ROBESON,  
Secretary of the Navy.

NAVY DEPARTMENT, JULY 12, 1871.  
Rec'd Washington, D. C., July 14, 1871, of Paymaster Edwin Stewart, seventy-five thousand dollars, in full, for the above.

\$75,000. S. M. JOHNSON,  
Attorney for Fayette Hungerford.

This claim was of doubtful nature. In the language of Johnson, it "*was good for nothing except to present to Congress, which really makes it valueless.*" It never would have been paid if it had been presented to Congress, because, as Johnson said, "*all old claims are suspicious, and any payment, if proclaimed, would be condemned.*" And yet Robeson not only paid it, but designated an appropriation, out of which it should be paid, that Congress had made for an entirely different purpose. The manner in which it was done, the language of Johnson: "*I found that to get any sort of a hold, I must change my tactics, and to do so I would be required to incur a large expenditure,*" the payment of only \$40,000 to the claimant and the division of \$35,000—just how nobody ever found out—all these circumstances speak as plainly as words could.

#### STILL ANOTHER ONE PAID.

Another utterly worthless claim which had been rejected by Secretary Welles—that for the Steamer Governor, amounting to \$52,000, less than half of which reaches the claimants—was paid by Robeson in a like illegal and suspicious manner. Here, again, Johnson was the attorney, aided by one S. P. Brown, a defaulting navy agent who had set up under Robeson's protection as a naval contractor and general broker for Navy Department business.

These frauds were not the only things charged against the administration of the Navy Department during the first term of Robeson. His connection with the Cattells was made notorious by the Blair investigation. The press was ringing with charges against the manifest jobbing practised in the navy department. Mr. Beck of Kentucky and other Democratic members of Congress, whose long service on the Committee of Appropriations had made them familiar with the manner in which Robeson was squandering the people's money, in season and out of season, urged a reduction of appropriations and the setting up of additional safeguards, but Gen. Garfield, in charge of the appropriation bills, as chairman of the committee, defended Robeson and strenuously resisted every effort to call him to account or to restrict his power in the future. Mr. Beck, on one occasion, instanced the payment out of the appropriation for current expenses of the navy, of the Secor claim, in defiance of the act of July 13, 1868, and insisted that such things should be made impossible in the future, but his proposed restrictive legislation was resisted by Gen. Garfield.

#### THE VAST SUMS ROBESON SQUANDERED.

It was a well-known fact, often iterated and reiterated and never denied, that in addition to the large annual appropriations for the navy, Robeson was in the receipt of large sums of money from sales of ships, including stores and other public property. But the annual appropriations were large enough to attract attention.

For the fiscal year ending June 30, 1870.....	\$22,206,591.64
For the fiscal year ending June 30, 1871.....	19,867,529.36
For the fiscal year ending June 30, 1872.....	21,729,924.53
For the fiscal year ending June 30, 1873.....	23,730,815.89
For the fiscal year ending June 30, 1874.....	30,859,347.46
For the fiscal year ending June 30, 1875.....	21,400,055.43
For the fiscal year ending June 30, 1876.....	18,919,935.36

\$148,714,199.67

This enormous sum of \$148,714,199.67 was appropriated for the navy during the first seven years of Robeson's administration, while Gen. Garfield was Chairman of the Committee of Appropriations. And this in addition, be it remembered to the amounts realized by sale, barter and exchange of ships, engines, boilers, machinery and other public property, the original value of which was



fully \$100,000,000. And, notwithstanding all this money disbursed, it was a fact notorious to the whole world, the shame of the country and the reproach of all naval officers at home and abroad, that the American navy was year by year growing more and more worthless. We were not able to cope on the seas with even fourth and fifth-rate powers.

#### DID NOT GEN. GARFIELD KNOW THESE FACTS?

He was in a position of all other public men to know them! He was bound to know them! As the Chairman of the Committee of Appropriations it was his duty to know them! Not only was the records of the navy and every other department of the government open to him, but he could summon before his committee every employee of the navy department from its chief to the doorkeepers, and require an explanation of every item of the estimates and an account of the disbursement of every dollar previously appropriated. More than this, all the officers of the navy on duty at Washington or coming thither during the session of Congress were within his reach. Many of them were necessarily before his committee. Some of them, it is true, were demoralized by the degeneracy naturally following in the train of Robeson's mal administration, but there were officers who were still proud of their high calling and ready on all proper occasions to speak sadly and almost in tears of the constant and rapid destruction of the navy and the degradation of the service. No! Gen. Garfield cannot, dare not plead ignorance.

#### WHAT THE DEMOCRATIC HOUSE DID.

When the Democratic majority of the House of Representatives assumed control, December, 1876, one of its first acts was to direct an investigation of the Navy Department to find out something. The Committee on Naval Affairs was charged with the duty. The Committee of Appropriations, under the efficient, honest and vigilant chairmanship of Samuel J. Randall, was, in the meantime, not idle. The appropriation for the navy for the fiscal year ending June 30, 1877, was \$14,959,935.36 — \$6,284,950.16 below the average of the annual appropriations during the seven preceding fiscal years. It is true that Robeson, in defiance of law, and it is believed corruptly, within the last month of his administration, incurred liabilities and made disbursements largely from the pay fund of the navy, which created a deficiency for that fiscal year of \$2,003,861.27, which Congress had to provide. This reduces, of course, the saving Mr. Randall and the Democratic House effected in their first year to \$4,263,088.88, but they were not responsible for this. The amount they appropriated was ample, had the administration of the navy department been honest, to have met all its legitimate demands.

#### ROBESON'S SUDDENLY ACQUIRED WEALTH.

The Naval Committee of the House was all this time digging energetically into the mountainous corruption of the Navy Department. Their discoveries were astounding. They had but to scratch the surface and some hideous corruption was disclosed. First and foremost they proved what was before well known, that when George M. Robeson was made Secretary of the Navy he was comparatively poor. James M. Scovel, a leading Republican of New Jersey, intimately acquainted with Robeson for many years, whose cousin was, at one time, Robeson's law partner, testified: "I know that he was a very poor man, and was so reputed in Camden." The returns of Robeson, under the income law corroborated this evidence, for his sworn income in 1869 was only \$1,000, and during 1866 and 1863 he swore he had none whatever. Following

in this line, the committee found that within a few months after he became Secretary of the Navy Robeson opened large bank accounts with five different institutions. These bank accounts showed, at one time, the following plethoric financial condition:

State Bank at Camden, New Jersey *	\$52,713.12
Banking-house of Jay Cooke & Co. †	55,118.00
First National Bank at Washington, D. C. ‡	95,777.12
Banking-house of Drexel, Morgan & Co. §	35,213.63
Banking-house of Riggs & Co., Washington, D. C. ¶	228,724.75
	<u>\$467,546.61</u>

And during this time Robeson was engaged in no legitimate business. Moreover, his financial condition was such, when he began his official life, that he could have secured no very great capital with which to have begun business or with which to have speculated.

#### HIS FRIENDS, THE CATTELLS.

He owed his position in Grant's Babinet to the influence of Mr. Borie of Philadelphia and Alex. G. Cattell, then Senator from New Jersey. Mr. Cattell, undoubtedly, is chiefly responsible for Robeson, for whatever Mr. Borie did in his behalf was doubtless due to his relations with Cattell. Therefore, it is interesting to trace the relations of Robeson and the Cattells after the former's office life begun. The books of Messrs. A. G. Cattell & Co. show what these relations were. The bookkeeper of this firm, in his explanation of their books to the Naval Committee, showed that the firm deposited money from time to time with the Camden State Bank for the use of Robeson. The books also proved that their relations with him were so close that the latter occasionally loaned them his notes for respectable amounts, and in March, 1876, two of these notes amounted to \$10,000. These same tell-tale books disclosed a "present" of \$250 to "the secretary," and under the head of "Security" the payment to Robeson for "campaign purposes" of \$3,000 at one time.

Again, there was a joint real estate speculation at Long Branch. Mr. E. G. Cattell, brother of A. G., testified that about the time the latter went to Europe as the Financial Agent of the Treasury Department, to supervise Syndicate operations, he took charge of building two cottages "on the Beach at Long Branch"—one for his brother, the other for Robeson—and that he paid out of the firm's (A. G. Cattell & Co.) funds \$13,582.29, the cost of Robeson's villa. And, moreover, he further admitted that up to that time in 1876 there had been no settlement with Robeson on account of this transaction. There were joint real estate speculations, also, in Washington. They purchased lots on Sixteenth street. They cost \$22,000. A. G. Cattell paid \$11,000 cash for his half interest; Robeson, \$3,000 cash and his notes for \$8,000. The notes found their way to Jay Cooke & Co., and A. G. Cattell, through E. G. Cattell, paid them at maturity. There was never any adjustment of this account.

#### THE FIRM OF A. G. CATTELL & CO.

were commission merchants, doing business in Philadelphia. At the time, or shortly after Robeson became secretary, A. G. Cattell withdrew from this firm and the business was continued under the old name, with E. G. Cattell and his sons as the parties interested. A. G. Cattell withdrew gradually from the busi-

\* Pages 213 to 225, Philadelphia, from July 1, 1869, to November 7, 1871.

† Pages 206 to 207, Philadelphia, from April 4, 1873, to June 16, 1873.

‡ Pages 295 to 303, miscellaneous, from July 31, 1869, to September 4, 1873.

§ Pages 264 to 265, from September 20, 1873, to August 1, 1874.

¶ Pages 304 to 309, from October 16, 1873, to April 4, 1876.



ness his share of the capital, which was \$105,539.42. At the time he withdrew the books show that E. G. Cattell had no capital and owed A. G. Cattell \$7,223.95. How E. G. Cattell was able to do a flourishing business and rapidly pay his brother \$105,539.42, besides accumulating in a few years a handsome fortune, will not appear strange as we proceed. This concern did not begin to do a navy business. Indeed, it appears that beyond furnishing five or six thousand dollars worth of flour or grain per annum, the firm proper had little to do in this line. E. G. Cattell knew a trick worth a great deal more—one that required no capital to be invested and no risk to be incurred.

#### HOW CATTELL SOLD HIS INFLUENCE.

He simply sold his influence with the Secretary of the Navy. His brother, A. G. Cattell and Paymaster General Bradford, who afterwards, in connection with A. G. Cattell, transacted the confidential business of saving the firm of Jay Cooke, McCulloch & Co., in London, from bankruptcy, with the Navy Pay Fund, assisted E. G. Cattell to dispose of his "influence" in the best market, William Mathews, of 54 Catherine street, New York, was an old naval contractor. He had done a vast deal of business in times past, through Bradford, when he was only a paymaster. About the time Paymaster-General Bradford was going to Europe, he casually mentioned to Mathews that he was going to have serious competition—that A. G. Cattell, of Philadelphia, were about to go into the business of furnishing naval supplies, and it would be a wise thing to make an arrangement with them. Mathews is a shrewd man and knows a thing or two. He is always willing to pay a reasonable percentage for profits, if they are constant and large. Bradford suggested that the Cattells would be in New York shortly, and he would introduce them. This was done. An arrangement was made, which resulted very profitably to all concerned. There was no evidence obtained by the Naval Committee to show that Bradford was in any way interested in this arrangement. Bradford, however, at his death, left evidence which, if it is made public, will throw a strong light on these transactions and disclose very peculiar relations between himself, the Cattells and Mathews.

The argument was that E. G. Cattell was to aid in every way he could to throw business into Mathews' hands, and was to receive five per cent. on the gross amount of all he did with the Navy Department. This was some time in 1870 or 1871. Mr. E. G. Cattell testified in regard to it as follows :

- Q. Did you pay any capital into the business ? A. No, sir.  
 Q. What were you to do ? A. All I could, and what I could.  
 Q. What you could do in what direction ? A. In any direction that would help in the business.  
 Q. Were you to buy property ? A. No, sir.  
 Q. Were you to measure property ? A. No, sir.  
 Q. Were you to handle or store property ? A. No, sir.  
 Q. Were you to manufacture property ? A. No, sir.  
 Q. Were you to see to the delivery of property ? A. No, sir ; except it should become necessary.  
 Q. I have gone pretty well over that ; what were you to do ? A. I was to do anything I could ; my business was to find out what would be likely to be needed ; watch the papers, see the advertisements ; keep my mind and self always in constant exercise of what ought to be sold or contracted for to the Department, and report to him.  
 Q. Were you not, by your agreement, to exercise any influence you possessed with the officers of the Navy Department ? A. Influence and ability ; wherever and whatever influence and ability I had I was to use.

Mr. Mathews explained what he understood the agreement to be, as follows :

On my part it was an arrangement to prevent his interfering with my business ; and in carrying out that arrangement, I think, as a rough estimate, I have paid him from four to five per cent. on the amount of business.

This business, in a very few years, less than five, amounted to \$3,000,000, and Cattell received something more than \$150,000 as his share.

## ROBESON'S INTIMACY WITH THESE SCOUNDRELS.

The relations between the Cattells, Robeson and Mathews all this time were exceedingly intimate. Mr. Mathews' place of business is 54 Catherine street, a locality which is not usually frequented by ladies of the *beau monde*, and yet it appeared by Mr. Mathews' books that Mrs. George M. Robeson did her shopping there. And, moreover, her account there was invariably settled by Mr. Cattell. Not only this, but Secretary Robeson, when in need of any articles in New York, would send Mathews word, and he would meet him at the Fifth Avenue Hotel and supply his wants. On one occasion he was going a-fishing, and wanted an oil-coat, and accordingly Mathews met him at the Fifth Avenue, bringing with him his qualities for him to select from. Mr. Cattell testifies that Robeson was aware of his relations to Mathews :

Q. Mr. Robeson, then, knew of your arrangement with Mr. Mathews ? A. Mr. Robeson did ; I told him I could get a percentage.

## HOW THE CATTELLS BLED OTHER CONTRACTORS.

The Cattells did not sell their influence to Mr. Mathews alone. He had the benefit of his influence in his particular line only. Mr. Cattell kept his business "in his head," and it was impossible for the committee to obtain a complete list of the contractors who paid for his "influence," but the following was verified as to names by outside evidence :

William Mathews, naval stores, clothing, etc.,.....5 per cent. on	\$3,000,000	D. M. Noblitt, coal dealer, } 5 pr. ct. on	\$700,000
J. W. Bigler, timber dealer, 5 per cent. on	1,199,046	D. & J. Noblitt, " }	
W. C. Swift, timber dealer, 5 per cent. on	1,448,542	Goodwin, baker and flour dealer....	Unknown
Caryl & Co., timber dealers, 5 per cent. on		Alexander, provision dealer.....	"
Cramp & Son, shipbuilders, 5 per cent. on	863,441	Post, wire rope.....	"
D. S. Stetson, shipbuilder.....		Ressinger & Co., lumber dealers.....	"
Hammett & Neal, coal dealers.....		Mitchell, candles.....	"
		Colton, Treasurer of Dredging Co....	"
		Water Proof Company.....	"
		Knowlton, machinery.....	"
		Lubbock & Co., beef packers.....	"
		Total .....	\$7,211,029

The amounts paid Cattell could not always be ascertained, even roughly, but he "guessed" he had received from the following dealers "about" the sums set opposite their names :

William Mathews.....	\$150,000	Hammett & Neal.....	\$ 500
J. W. Bigler.....	30,000	D. S. Stetson.....	2,000
W. C. Swift.....	50,000	Water Proof Company.....	4,000
Alexander.....	5,000	Goodwin.....	5,000
D. M. Noblitt }			
D. & J. Noblitt }	35,000		
Camp & Son.....	40,000		\$221,500

Cattell was always uncertain as to the amounts he received, as the following extract from his evidence will show :

Q. How much did Post pay you ? A. I do not remember that now.  
 Q. Give me some general estimate of how much you received, without being precise ? A. I could not tell that.  
 Q. What did you estimate your receipts from Bigler ? A. It would be an impossibility to name the amount ; it may have gone up to \$30,000.

## THE GENERAL BLACKMAILING OF MATHEWS.

Mr. Mathews did not get off with his five per cent. to Cattell and his supplies to Robeson's family. Nearly every official of the Navy Department, the navy yard at Brooklyn and the Purchasing Paymaster's office at New York were his debtors.

By Mr. Harris (Republican) of Mass. : "Now, Mr. Mathews, I ask you if, during the last two years, the head of the Navy Department has not been your debtor ; if every paymaster who has been stationed at New York city has not been your debtor ; if every clerk in the Navy Agent's office in New York city, and every one connected with the Bureau of Provisions and Clothing at the navy yard has not been your debtor ; if the Disbursing Clerk of the Navy Department here, the



principal clerk, and the next clerk to him in the Bureau of Provisions and Clothing; if the Quartermaster of the Marine Corps and the Assistant Quartermaster and his clerk, Mr. Marks, have not been your debtors? A. *To a great extent that is true.*

Not only were the clerks of the Navy Department with whom he came in contact leeches upon him, but those in the Comptroller's and Fourth Auditor's office of the Treasury Department, where his accounts passed, bled him. His old ledgers were filled with unsettled accounts against this class of public officials. In addition, his note ledger showed various sums of money loaned—to J. S. Delano, of the Second Comptroller's office, \$500; John F. Denson, chief clerk to Paymaster-General Wilmouth, \$300—and not one of them ever paid.

#### OTHER GENERAL BROKERS OF NAVY BUSINESS.

The business of "General Brokers" for Navy Department business was not monopolized by the Cattells. They did the largest part of it, but there was enough left to throw a few fine plums into a half dozen other shops.

Mr. William J. Murtagh, proprietor of the *National Republican*, official organ, Police Commissioner of Washington, who furnished detectives to spy upon the movements of the editor of the New York *Sun* and his Washington correspondent, and to set up jobs on Mr. Whitthorne, Chairman of the Naval Committee, sold his "influence" with Robeson in one instance for \$4,000 to sell a lot of timber for George P. Wallace, and again for \$10,000 to put through a claim of Joseph L. Savage, rejected by Secretary Wells, for \$21,719.58.

S. P. Brown, erstwhile defaulting Navy Agent, then Naval Contractor, sold his influence for \$40,000 or more to put through the claims, rejected by Secretary Wells, for the steamers Governor and Louisville.

The following table of "rejected claims" by Robeson is tabulated from official sources. They do not include all this class. Only the most prominent and notorious have been selected. In every one of them large sums were paid by the claimants for "influence."

## LIST OF SOME OF THE WORTHLESS CLAIMS PAID.

Name of Claim.	Amount allowed or paid.	Former action.	Remarks.
Secor .....	\$93,000 00	Rejected..	That is to say, the Secors had presented their claim to Congress; it had been acted on; the amount ascertained upon reference to the Secretary of the Navy, Mr. Welles, and they had accepted the amount which the act of Congress said should be in full discharge.
Governor .....	52,000 00	"	Secretary Welles passed upon this claim and rejected it. S. P. Brown, <i>employed for his influence</i> , does nothing, and, with S. M. Johnson, receives one-half the claim.
Savage .....	21,719 58	"	Original claim for \$31,559.93, of which \$9,838.35 allowed by Secretary Welles; balance disallowed. Savage employs Murtagh, for his influence, to collect this; is successful, and pays Murtagh \$10,000.
Ames .....	216,015 38	"	Secretary Welles states the history of this claim in his proof. It was a claim founded on a contract to make certain guns. They were to pass inspection; they never did.
Engineers.....	20,000 00	.....	This was for services voluntarily tendered the government during Secretary Welles's administration of the navy, which understanding he rejected.
Clara Dolson.....	9,450 00	.....	Subsequently to this, claimant presented to Congress balance of this claim. Why should he not have done so as to this amount? It was paid, as in the case of the Governor, to the attorney.
Matthews.....	31,958 61	.....	Presented, so far as record shows, first in May, 1873; allowed in November, by order of the secretary. E. G. Cattell receives fee of \$10,000 for his influence and services; upon face of approved bills said to be for <i>reservations withheld</i> on account of duties charged, etc.—a false suggestion or a suppression of the truth.
Tilton & Wheelwright.	*32,000 00	.....	This claim was examined into by Committee on Naval Expenditures.
Belknap.....	{ 21,000 00 130,832 00 }	{ .....	Belknap was dismissed from navy by President Johnson. At that time he was in default \$130,832, which it was alleged was stolen from him at Brooklyn Navy Yard. Secretary Welles, in dismissing him, two years after date of alleged robbery, stated that he had not applied for relief to Congress, etc. The circumstances of this case are altogether peculiar, and one which should have been examined into by court-martial or Congress before the allowance of his pay and the amount of his alleged defalcation.
Bonsall .....	4,615 00	.....	Attorney representing claimant was A. C. Scovel, former partner of the secretary. Pay allowed to claimant when not an official of the navy.
Louisville.....	*82,000 00	Rejected..	This claim was rejected by Secretary Welles, whose account of it is wholly different from the present secretary's. The claimant was represented by S. P. Brown.
"Hungerford".....	75,000 00	.....	This claim has been commented on. See below.
Total.....	\$789,590 57		

\*About.

## THE BOLDEST OPERATION OF GEORGE M. ROBESON

Was his use of the Navy Pay Fund to sustain the banking house of Jay Cooke, McCulloch & Co., in London. The foreign account of the navy had been kept from 1815 with the justly celebrated house of Baring Brothers & Co., London. They were not only reliable, but all during our civil war they were true friends of the Union cause, and by liberal and assiduous efforts had contributed largely



to the maintenance of our credit abroad during that troublous period. Moreover, Congress, by an act passed in 1844, provided:

That no person shall be employed or continued abroad to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

The appointment of Baring Brothers having been made in 1815, this provision did not apply to them, but, without its violation, their successors could not be appointed unless "by and with the advice and consent of the Senate." Nevertheless, Robeson did, of his own motion, in May, 1871, remove the foreign pay account of the navy from Baring Brothers and appoint Jay Cooke, McCulloch & Co. their successors "to receive and pay money for the use of the naval service on foreign stations."

In an official letter of May 15, 1871, addressed to Baring Brothers & Co., he assigned to them the reasons for the change:

I beg to assure you that this change in no way grows out of any dissatisfaction or any kind on the part of the department with your house, which has for so many years and so acceptably transacted its foreign financial business, but is the result solely of the opinion entertained by the department that the establishment in London of respectable houses of purely American origin and character makes it in every sense becoming and desirable that the government business should be entrusted to some one of them.

In a private letter of May 23, 1871, addressed to Henry Clews, Robeson assigned the following reasons for the change:

"POLITICAL AS WELL AS FINANCIAL REASONS."

*My Dear Clews:* I have your letter of the 19th instant, in regard to the appointment of a fiscal agent of the government abroad. I am sorry I was absent when you were here, for I could have explained to you personally, much more fully and satisfactorily, the situation of this matter. The truth is, that the Navy Department really has no fiscal agent abroad, but has hitherto kept its account with Baring Brothers & Co., of London. This account I transferred about the first of the present month to Jay Cooke's house abroad. This I did for the broadest political as well as financial reasons, looking to the good of the service abroad as well as strengthening the party and administration at home. The house of Jay Cooke & Co. has, as you know, large and extended interests and influence throughout the country. Their connection and influence with the national banks; with the Pennsylvania Railroad, which controls the State of Pennsylvania, and which, absorbing the Camden and Amboy Railroad, now controls New Jersey, and stretches from its western terminus across many of the Western states far toward the Pacific; their interest in the Northern Pacific, and their general interest in the country, make them very powerful friends when actively interested in the success of the administration, and dangerous enemies, in vital localities, when indifferent or unfriendly. These were some of the considerations which influenced me, and which would have still influenced me, had I known of your application, which I did not at the time when I acted. In addition to this, they are entirely an American house, without any connection with any foreign person or interest, and having been largely connected with the financial operations of the government during the war, and contributing largely to its success in connection with local men like yourself, it seemed to be proper, under the circumstances, that this account should be given to them.

WHERE THE FINANCIAL REASONS CAME IN.

The appointment undoubtedly was largely due to "the broadest political as well as financial reasons." The Cookes, all powerful, then had brought their influence to bear on Grant, and he indicated his desire to have the change made. But this was not all. The relations of A. G. Cattell to the Cookes was of the most intimate character. The house of Jay Cooke, McCulloch & Co. was established in London to enable them to figure more conspicuously and profitably in the Syndicate operations, as well as to aid their Northern Pacific enterprise. A. G. Cattell was to be the financial agent of the government in London, to represent it in the Syndicate transactions. The opportunities for percentages, perquisites and other profits would be great. The establishment of a house of "purely American origin and character" would aid in the direction, and make more convenient and confidential "crooked" transactions. It was here that "the financial reasons" for the change came in. The change was made. It placed in the hands of Jay Cooke, McCulloch & Co. several million dollars annually. The concern was ostensibly started with a million dollars capital, but in reality it depended entirely upon the government money in its custody, from the

Syndicate operations and the naval foreign pay account, to carry on its business. This was not only sufficient for this purpose, but the house of Jay Cooke & Co. was enabled, when the financial stress, which caused the panic of 1873, began to be felt, to draw upon the London house largely. At the time of their failure Jay Cooke & Co. was indebted to Jay Cooke, McCulloch & Co. about \$1,800,000.

#### WHAT FOLLOWED THE PANIC OF 1873.

On the 18th of September, 1873, the panic began with the failure of Jay Cooke & Co. The disaster was widespread and ruinous in its effect. Wise men had seen the danger afar off. Samuel J. Tilden, in February preceding, pointed out the impending financial crash, and predicted its culmination in the coming fall. But the administration of the government was totally unprepared for it. Prompt and ordinarily sensible measures would, however, have immediately made the government secure against any losses abroad. It had an inconsiderable amount of the Navy Fund in the hands of Jay Cooke, McCulloch & Co., and the government, as a preferred creditor, could readily have made itself safe by asserting its claim against the property of Jay Cooke & Co. in this country, as well as against the bondsmen of Jay Cooke, McCulloch & Co. This, however, would have bankrupted the latter concern and ruined A. G. Cattell, one of their sureties. Measures were promptly taken—not to save the government, but to sustain Jay Cooke, McCulloch & Co. The government was actually indebted to Jay Cooke, McCulloch & Co. £37,758, 6s. on the 18th of September, 1873. It is true that a requisition, No. 2024, was drawn July 2, 1873, in their favor, for \$205,714 5s., but a time draft for that amount was sent, and, as the record shows, was not due and was not paid till September 22, 1873—four days after the failure of Jay Cooke & Co. But even admitting that the government was in honor bound to pay this draft, which it could have stopped—there being no evidence then or since that it had passed into the hands of innocent holders—still, it only made the government creditor of Jay Cooke, McCulloch & Co. in the sum of £166,932 2s., or less than \$900,000.

#### JAY COOKE, M'CULLOCH & CO. SUSTAINED WITH THE PEOPLE'S MONEY.

In this condition of things, what did Robeson do? On September 17, 1873, he had drawn a requisition for \$1,000,000 on the pay fund of the navy in favor of Jay Cooke, McCulloch & Co. The Secretary of the Treasury, September 18, 1873, stopped the draft issued on this requisition *in transitu* to New York. Robeson not only had this order revoked and countermanded and the money go forward to Jay Cooke, McCulloch & Co., but between September 24 and 27, 1873, he sent forward an additional amount of \$381,333.35.

He immediately communicated by cable with Paymaster-General Bradford, then abroad, directing him to report at once to London, and again, in defiance of the Act of 1844, sent him a commission constituting him an extraordinary fiscal agent "to receive and pay money for the use of the naval service on foreign stations." He also communicated with A. G. Cattell, giving through him particular and definite instructions to Bradford for the protection and care of Jay Cooke, McCulloch & Co. He established a secret cipher with both Cattell and Bradford, by which they could communicate with him by cable. He authorized Bradford to open accounts with the Bank of England and the banking house of Williams, Deacon & Co., and other concerns, and to borrow on the credit of the United States whatever sums of money he might require to pay the drafts drawn on Jay Cooke, McCulloch & Co. by naval paymasters on foreign stations, in order to leave that concern the large amount of money of the United States he had forwarded them after the panic, September 18, 1873. This Bradford did, his accounts



with the banking house of Williams, Deacon & Co. showing that more than once he borrowed money for this purpose on the credit of the United States in sums reaching nearly if not quite a million dollars. And further, the records show that Robeson, in order to enable Bradford to meet liabilities incurred in this and other ways, anticipated appropriations, drew from appropriations made for one fiscal year and applied the money to liabilities incurred in a preceding year, all in defiance of express legislation to the contrary.

#### WHO SUFFERED AND WHO DIDN'T.

By these acts, done in violation of law, the pay of officers and sailors was diverted to an illegitimate object, and at one time the naval corps was more than six months unpaid. The unfortunate officers suffered the greatest hardships, and the country rang with their complaints. Bradford was detained in London for several years at this illegal work. In the meantime, the government had obtained a lien upon a lot of railroad iron, bought by Jay Cooke & Co. for the Northern Pacific Railroad, and, by being held preferred creditors, in one way and another, by hook and by crook, finally managed to make itself whole for the amount advanced by Robeson to sustain Jay Cooke, McCulloch & Co. But if the expense and all other things are taken into consideration, it was largely a loser by the transaction.

A. G. Cattell, however, did not suffer in any way by the transaction. As the agent and attorney of the Navy Department, he had control and manipulation of many millions of collaterals pledged to secure the advance to Jay Cooke, McCulloch & Co., consisting of banking paper, 23,000 tons of railroad iron and the individual estate of Mr. McCulloch, upon all of which he drew a percentage as his fees.

#### ROBESON'S MANIFOLD VIOLATIONS OF LAW.

The Naval Committee, moreover established by irrefragible proofs that Robeson had disregarded the law :

In failing to advertise for supplies, materials and other articles required by the department.

In not requiring proper bond and sureties from those who made contracts and agreements with the department, now being required in the majority of cases.

In not, in a single instance, prosecuting and enforcing the law against defaulting contractors.

In making payment in advance of work and complete delivery, a bare-faced instance of which exists in the case of the contractor for the destruction of the "Hero" and the "Piscataqua" at the Washington navy yard, the contractor in this case dropping the job when it ceased to be profitable, and leaving the government without any adequate protection against his default.

In permitting contractors to be relieved from the fulfillment of their contracts when it was apparent that their failure to do so originated from a fraudulent purpose. The method of these frauds was as follows: At the regular annual lettings, articles for which bids were invited were scheduled in classes. A knowing or favored contractor would take a certain portion of the articles which he knew would be largely demanded, and on these fix large prices, and then on a vast number of other articles, which he knew would not be wanted entire, he would bid low. When the bids came to be scheduled in the department, the prices would be arranged, and thus the favored contractor would appear to be the lowest bidder. He would furnish the large quantities for which his bids were high, and then the department actually not requiring the quantities of the other articles on which his bids were very low, he would be relieved from delivery.

It was also established that gross frauds and abuses were made easy on the government because the system of inspection under Robeson was a sham. This was especially the case in the acceptance of live oak from certain contractors. In one single instance, in which S. B. Brown and John Bigelow, a friend, by the way, of Paymaster-General Bradford, were the contractors, they got pay for 60,000 feet before—months before—it was delivered. And again, when timber was rejected by one inspector at a navy yard, it was sometimes shipped to another, and order obtained from Robeson to receive it.

#### THE NAVY YARDS TURNED TO POLITICAL ACCOUNT.

To prevent the use of the navy yards as political machines, Congress at differ-

ent times enacted stringent laws regulating the employment of workmen. The Acts of March, 1867, June, 1868, and May, 1872, provides, among other things:

*First.* That master workmen in the various navy yards should be men skilled in their several duties.

*Second.* That no officer or employee of the Government should require any workman to contribute any money for political purposes, and that no workman should be removed or discharged on account of his political opinion; and

*Third.* That laborers should be employed in the several yards by the proper officers in charge, with reference only to skill and efficiency, and without regard to other considerations.

These enactments were systematically disregarded with the knowledge of Robeson. The Committee on Naval Affairs, after a thorough examination of this abuse, was satisfied that during elective years fully \$1,000,000 per annum was used through the navy yards for corrupt partisan purposes. The following illustrates Robeson's methods of accomplishing this political debauchery with the public money.

[Private.]

Boston, Mass., Oct. 23, 1874.

*My Dear Commodore:* I wish you would approve requisition for men to be employed, as they may be, made until 1st of November.

Some fifty additional men have been allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

The administration desire the success of Gooch and Frost.

Yours, very respectfully, J. HANSCOM.

To Commodore E. T. NICHOLS, U. S. N., Commandant.

[Telegram.]

WASHINGTON, Feb. 21, 1875.

Commodore J. C. HOWELL Commandant Navy Yard:

As the Monongahela is wanted, you may employ forty men on her in addition to present force. Give N. H. a large share.

J. HANSCOM,  
Chief Bureau Const. and Repairs.

#### HOW AND WHAT IT WAS DONE FOR.

This was for the benefit of New Hampshire Republicans at their spring elections. At the time of these communications elections were pending in the states of New Hampshire and Massachusetts respectively. Orders for labor and the assignment of the amount of money to be expended at the different yards are made by the Secretary of the Navy through the heads of bureaus. No commandant of a navy yard, nor any officer there, can, of his own free will, originate any work or determine the amount of money to be expended. This is done entirely by the department at Washington. Hence, when any political purpose is to be accomplished, as, for instance, at Norfolk, when an election is pending, the Galena, or some other vessel that has been nominally undergoing repairs for the last three or four years, is ordered by the chief of the bureau at Washington to be worked upon, and a given amount of money is set apart for that purpose, of which the officers at the Norfolk navy yard are duly notified. So at Boston, another vessel is ordered to be worked upon; a certain amount of money is set apart for it by the chief of the bureau, and instructions are given accordingly.

An examination of the rolls of the various navy yards show that during the month preceeding elections and the month in which the election is held, the force of employees are double and sometimes quintuple what it is in the same month in years when there are no important elections.

#### ANOTHER OF ROBESON'S METHODS OF EVADING THE LAW

was to make contracts with favorite contractors to repair certain ships. The law forbids the expenditure of any money or the incurring of any liabilities, unless in pursuance of appropriations specifically made. Robeson got around this by giving certain contractors contracts to repair vessels and take part pay from material. A small piece of iron would be taken, say from the Puritan, and about it would be built an entirely new ship, into which went the old iron from three or



four other vessels. Other vessels were broken up, and the old material, iron, copper, wood and machinery, bartered or exchanged for new material. Sixteen ships were destroyed in this way, and always to the advantage of favored contractors. All this was in violation of law, or without authority of law. The Secretary of the Navy possesses no right whatever to destroy a vessel belonging to the United States. He possesses power to sell at *public* sale any "vessel and material" of the United States Navy that "cannot be advantageously used, repaired or fitted out." If in his judgment such sale could not be advantageously made, it is his duty to report to Congress the fact and obtain authority to make other disposition of the property.

#### THE SYSTEM OF BARTER AND EXCHANGE

was confined to the old material of ships; but the Bureau of Provisions and Clothing did a large business in the same way with Mr. Mathews, to his and the Cattell's advantage. In all, some \$15,000,000 of the property of the United States was thus privately and without competition disposed of by Robeson. The terms on which the old iron was exchanged Hon. Abram S. Hewitt, of Cooper, Hewitt & Co., perhaps one of the most competent experts in the country, pronounced "most extravagant, wasteful and improvident." He declared that the contract with Seyfert, McManus & Co., by which 4,538,781 pounds of old iron was exchanged at the rate of eight pounds of old for one of new, was outrageous, and that the treasury of the United States was robbed thereby. He asserted that if the iron trade of the country had had any knowledge of the disposition about to be made, and a chance to compete had been given, the government could have readily obtained three cents a pound for the old iron.

The catalogue of Robeson's misdemeanors is almost interminable. He violated the law in not awarding contracts to the lowest bidders; in giving contracts without advertisement and without competition; in making purchases of large quantities of supplies privately; in permitting contractors who were favorites to rule navy yards; in countenancing sinecurists; in permitting the use of government property and material for private purposes; in applying money appropriated for one purpose to another.

#### THE RUIN OF THE NAVY THE RESULT.

And what was the result of all this jobbery; all these violations of law; all this shameless corruption and maladministration? Up to the period of which we now speak he had spent more than \$150,000,000; what was there to show for it? As to the efficiency of the navy we quote briefly from a great number of opinions given by officers of the navy upon its condition at that time:

Vice Admiral Rowen: Our cruising vessels of war, as compared with the navies of the principal powers, are inferior; lamentably so in speed.

Rear Admiral Leroy: The vessels of our navy are inferior in construction, armament, speed and other properties to nearly all the vessels I have met belonging to foreign powers.

Rear Admiral Pennock: It compares unfavorably with other navies.

Rear Admiral Almy: The speed and efficiency of the United States vessels of war are, in general, inferior to those of the vessels of war of other powers.

Rear Admiral C. R. P. Rogers: As compared with the navies of the chief foreign powers, I think our own inefficient in its more powerful ships.

Rear Admiral Stribling: I am not favorably impressed with the efficiency of our navy as compared with that of other countries.

Rear Admiral Lee: It is mortifying and humiliating to witness the amount of scarcely more than naval trash that has been turned out, and of which our navy, as to vessels, is now in a large degree composed.

Rear Admiral Jenkins: Fifteen or twenty years since we had the credit of having, vessel for vessel, those superior to any in foreign naval service; now none so poor as to do us honor by offering us praise.

Rear Admiral Sands: There is not much doubt that our navy has gone backward in efficiency.

Rear Admiral Emmons: We have gradually dwindled from a third to a sixth or eighth-rate power.

Commodore Amman: Our vessels are, I fear, in general, inferior in speed, especially under steam, to those of the same classes in the better foreign navies.

The opinions of a score of other officers to the same effect could be added. It would be supererogation. The fact is undeniable that our navy is worthless. When Robeson became secretary, in 1869, there were 203 vessels on the register. Eight sloops-of-war and two torpedo boats were, by authority of Congress, built during his administration. Three more were purchased. The Committee on Naval Affairs estimate that Robeson to 1876 expended \$170,000,000, used or disposed of the material of 70 ships of war, and contracted liabilities amounting to several millions of dollars, and yet the navy was in a worthless condition. Admiral Porter gave it as his opinion that at least 60 or 70 million dollars of the money expended by Robeson would have been saved by a wise and honest administration. The Naval Committee of the House declared that if it had been honestly expended, our navy would have been at once the pride of our own people and the admiration if not the envy of other nations. The responsibility for all this waste of public money, for the degradation of the service, the demoralization of the bureaus of the department, the same committee traced directly to the Secretary of the Navy.

#### GENERAL GARFIELD OPPOSES FURTHER INVESTIGATION.

The above is an outline only, hurried and incomplete, of what the Naval Committee of the House, during the Forty-fourth Congress, discovered and reported. In the judgment of its members, and everybody else who had knowledge on the subject and an honest desire to see the bottom facts laid bare, there remained a great many other things to be inquired about. This was the judgment of the majority of the House at the beginning of the Forty-fifth Congress. Accordingly, on December 14, 1847, Mr. Fernando Wood reported from the Ways and Means Committee a resolution which, among other things, directed the Committee on Naval Affairs to further prosecute the inquiry begun in the preceding Congress. The Republicans, under the leadership of Gen. Garfield, made sturdy opposition and raised every imaginable point of order against it. Upon one occasion Gen. Garfield said:

I desire to make a point of order upon this series of resolutions as not being a privileged report from the Committee of Ways and Means at any time, and it does not relate to revenue or anything which, under rule 151, the Committee of Ways and Means is charged with, and upon which it is permitted to report at any time. Therefore, to-day, when that committee is not under call, this is not a privileged report from the committee.

The Speaker overruled the point of order.

The merits of the resolution were discussed, and Gen. Garfield, still with a view to debating it, said:

The gentleman from New York (Mr. Wood) is well aware there could have been perfect unanimity in the Committee of Ways and Means as regards the reporting of this resolution, if the clause giving power to send for persons and papers from all parts of the country, of sending for private citizens everywhere, had been left out.

Mr. Wood reminded Gen. Garfield that unless that power was given the proposed inquiry would amount to nothing. There could be no investigation without witnesses and papers.

This, of course, Gen. Garfield knew perfectly well. The power to send for persons and papers, as he had experienced on more than one occasion, was dangerous only to those who had something to conceal. His object was to defeat the inquiry and prevent further exposure, which would be not only damaging to his friend Robeson, but to his party. The only way to prevent the adoption of the resolutions was to prevent their consideration. The Republicans, therefore, under Gen. Garfield's lead, filibustered all that day. (*See Record, vol. 7, part 1, 2d Sess., 45th Cong., pp. 227-231*)

#### FILIBUSTERING TO PROTECT ROBESON.

The next day the same tactics were resorted to By filibustering, action was



prevented till after the holiday recess, for Congress had previously resolved to adjourn till January 10, 1878. During all this filibustering, Gen. Garfield was the leader of his side. (*See Record, Ibid, pp. 237-246.*)

When Congress reassembled, January 10, the fight was resumed. Gen. Garfield still led the opposition. Referring to the investigation of the Navy Department at the preceding Congress—the results of which we have summarized in the preceding pages—Gen. Garfield said that no one believed that it was worth what it cost. Mr. Clymer, of the Committee of Appropriations, called him to task at once, and said that the results of that inquiry had enabled his committee to effect vast savings. This discussion took place in the Committee of the Whole, where the yeas and nays could not be called, and Gen. Garfield and his friends succeeded in amending the resolution in a way which would, if finally adopted, have rendered nugatory the proposed investigation. In the House, however, the yeas and nays were called, and the resolution, as originally reported, was adopted on a yeas and nays vote. Gen. Garfield voted no. (*Ibid, p. 290.*)

#### WHAT WAS FOUND DURING THE FORTY-FIFTH CONGRESS.

Under this resolution the Naval Committee reported to the House February 21, 1879. They showed from official records from the close of the fiscal year, 1870, to the close of the fiscal year, 1877, \$173,674,170.36 had been expended; that, in addition, there was a deficiency for the fiscal year, 1877, of \$2,003,861.27; a further amount, necessary to pay bills, approved that year, of \$3,217,738.76, and contingent liabilities incurred during the same year of \$3,600,263.09. So that Robeson, in addition to millions of material sold, bribed and exchanged, had disbursed in eight years the sum of \$182,496,033.48. He left a navy which, according to Republican Representative Harris, of Massachusetts, was—

In comparison with the leading naval powers of the world, in a very humiliating and unsatisfactory condition.

The present Secretary of the Navy, in his first annual report, recited the condition in which he found things upon assuming control. He said:

#### ROBESON'S SUCCESSOR TELLS UNPLEASANT TRUTHS.

On March 1, 1877, the indebtedness of the Bureau of Steam Engineering to sundry individuals and companies, for balances due upon contracts made before that time—

For machinery, boilers, &c., was.....	\$1,454,694 33
For materials, stores, &c., was.....	206,852 75
Total.....	1,661,547 08

On March 3, 1847, contracts were made by the department for work on account of the iron-clads Puritan, Monadnock, Terror and Amphitrite, aggregating \$1,165,000, each of which contained a provision that no portion of the money should be paid until appropriated by Congress.

Contracts were also made March 7 and March 10, 1877, for boilers for the Tuscarora, Narragansett, Snowdrop and Dictator, amounting to \$331,621.09, making a total indebtedness of this bureau March 10, 1877, \$3,158,168.77. *As there was no money appropriated by Congress subject by law to be applied to payments of work done under the contracts made subsequent to March 1, 1877, these contracts were suspended, and the order of suspension has not been revoked.*

To the above aggregate of indebtedness should be added, for necessary purchases, &c., from March 1 to July 1, 1877, the sum of \$5,747.29, making the total indebtedness of the Bureau of Steam Engineering to July 1, 1877, \$3,163,915.47.

#### THE INDEBTEDNESS OF THE BUREAU OF CONSTRUCTION AND REPAIR,

As ascertained up to March 1, 1877, was, upon bills in requisition of navy paymasters, \$185,680; accrued bills not drawn, \$83,558.71; for labor at navy yards, \$27,949.76; and bills held by parties and available only after an appropriation to meet the same was made by Congress, \$547,609.64. Large quantities of timber had been contracted for, part of which had been delivered and another part was to be thereafter delivered. That part to be delivered was contracted for by orders from the bureau, which, having been issued when there was no money on hand to pay the bills and without advertisement and competition, were all suspended.

A contract was made by the department February 8, 1877, for the impregnation and preservation of timber, for which it was agreed to pay \$14,000 for one hundred thousand feet of timber, and beyond that quantity four cents per cubic foot, with further conditions in reference to the execution

thereof. This contract was also suspended for the same reason as those referred to above, and is not therefore embraced in the foregoing estimate of indebtedness, as the amount to be paid under it, if executed, is indefinite.

#### THE INDEBTEDNESS OF THE BUREAU OF PROVISIONS AND CLOTHING.

On March 1, 1877, for bills for provisions, was \$55,846.31; for clothing, \$385,189.08; for small stores, \$28,500; and for freight, \$3,935.91; making a total of \$473,471.30. It is due to the management of this bureau, however, to say that there was due to it on account of clothing issued and checked against pay of the navy, \$339,200.23, and that it was indebted to pay of the navy on account of purchases and expenses of storehouses abroad, \$225,742.77; for clothing, \$3,489.05, and for contingent expenses, \$4,548.30, making a total of \$233,780.12. So that, in striking the balance between this bureau and pay of the navy, the latter fund remains in debt to it \$105,420.11, for which there has been no transfer. The bureau has also unsettled balances with the other bureaus and the hospital fund, as follows: The other bureaus are indebted to it in the sum of \$8,779.80, while it is indebted to them and the hospital fund \$4,946.96, leaving \$3,832.84 in its favor. If these adjustments were all made between the bureaus it would, therefore, reduce the indebtedness of this bureau to \$364,218.35. But as all the money appropriated for the last fiscal year has been expended, and no portion of that appropriated for the present fiscal year is applicable to the adjustment of these balances, the indebtedness of the bureau cannot be relieved in any other way than by the appropriation of the whole amount of \$473,471.30 by Congress.

If the sums covered by these suspended contracts be held as chargeable against the Bureaus of Steam Engineering and of Construction and Repair, the total indebtedness of the three bureaus is \$7,083,503.25.

#### EXTRAVAGANCE AND NO NAVY.

From these it will appear that, with "no navy," large expenditures of public money, and vast quantities of public property disposed of, there existed at the close of Mr. Robeson's administration an indebtedness, actual and contingent, of \$7,083,503.25 in the Navy Department—an indebtedness not warranted by law, since indebtedness cannot legally be made by any agent of the government except by the consent and authority of Congress. That one department of the government should be found in this condition; that agents of the government who were the sworn executors of the law, and who stood in high places, should be so unmindful of their obligations and duties as to involve the faith of the government in such large amounts, and that, too, in times of profound peace, was startling.

It was with such an exhibit before them that the committee of the Forty-fifth Congress entered upon the investigation.

#### A TERRIBLE SHOWING.

The committee reported that—

In the year 1865 there were borne on the Naval Register the names of some six hundred and fifty vessels; there was then also on hand a large number of engines, boilers, machinery, stores, and materials, the aggregate cost, if not value, of which was from two hundred to three hundred millions of dollars. Up to 1869 there had been sold over four hundred of these vessels; the majority of them were of less cost than those retained, and no very large amount of materials had been disposed of—leaving, in 1869, and just prior to the administration of Mr. Robeson, two hundred and three vessels in the navy, together with a large quantity of materials and stores, not attached to ships, but being in the different navy yards of the country. Now, within these eight years, there have disappeared from the Naval Register the names of about seventy vessels, and there have been added to the register eight. Of the seventy which have disappeared, five have been lost at sea; forty six have been sold, and their proceeds paid into the treasury; three have been sold, and their proceeds paid over or credited to contractors, and twenty have been destroyed by order of the secretary or his subordinates, and the materials "cut up," paid over or credited to contractors. Large quantities of materials, such as engines, boilers, plate, iron, &c., have also been sold and delivered to or bartered or exchanged with contractors.

Assuming the estimate hereinbefore made approximates correctness, and calling attention to the fact that the account of stores in the then indebted bureaus shows a diminution of stores (except in the item of live-oak timber in the Bureau of Construction), we have this showing, viz:

Expenditures in money.....	\$182,496,033
Public property sold, used and consumed principally for construction and motive power, which cost the government \$100,000,000, one half of which is charged.....	50,000,000
Total.....	\$232,496,033

Of the public property disposed of privately there were—

31 vessels, original cost.....	\$13,775,837.52..	Realized....	\$542,524.47
21 vessels, original cost.....	12,614,390.45..	Realized.....	429,983.73
Provisions and small stores, original cost.....	525,640.47..	Realized in trade.....	205,536.39

From the Bureau of Steam Engineering millions upon millions of pounds—engines, complete and incomplete, boilers, shafting, propellers, tubes, iron and brass and composition, which must have cost forty or fifty millions of dollars. Recapitulating, the committee say:

#### MILLIONS OF PROPERTY BARTERED AWAY.

Four vessels, costing \$3,002,390.48, have been sold without advertisement, the proceeds of three of which have not been paid into the treasury; twenty vessels cut up and destroyed, costing



\$12,614,394.35, their material sold as old scrap, and proceeds exchanged: multiplied millions of material from the Bureau of Steam Engineering, consisting of engines, boilers, complete and incomplete, iron, copper, brass and composition, costing a vast sum of money, has been sold, bartered and exchanged for sums of money not greatly in excess of the cost of destruction, but the proceeds of which have not been paid into the treasury; large quantities of provisions and clothing have been sold, bartered and exchanged, costing large sums of money, for small prices, but the proceeds of which have not been paid into the treasury, and all of which, except in case of clothing, should have been done. Not being paid into the treasury, it has been applied, as stated by the actors in this so-called "barter and exchange business," to useful purposes. Suppose it be admitted, for the nonce, that this immense amount of public property was so used, it is replied, in the first place, that there was no authority under the law so to use it; secondly, a report of the disposition should have been made to Congress; thirdly, it was an application of the proceeds of public property without the knowledge of or an appropriation by Congress.

#### THE LAWS OF 1872 VIOLATED.

This disposition of the public property was in direct violation of the acts of Congress, approved May 8, 1872, and May 23, 1872. These acts were intended to prevent exactly what Robeson did. At the close of the war the War and Navy Departments having a surplus of material of war on hand, began to dispose of it. Congress, noting this, and that the property was not only sacrificed, but the money realized was not turned in to the treasury, thought proper to restrict the powers of the executive officers of the government. The Act of May 8, 1872, provided that all proceeds of sales of material, condensed stores, supplies, or other public property of any kind, shall be deposited and covered in to the treasury as miscellaneous receipts, and shall not be withdrawn or applied except in consequence of a subsequent appropriation. And the Act of July 23, 1872, regulated the manner of sale by the secretary of the money of such vessels and materials as in his judgment cannot be advantageously used, repaired or fitted out. It also required, before such sale, public notice by advertisement in some leading newspaper in at least four of the principal cities of the United States, which should state the number of vessels and the amount of materials proposed to be sold, together with a description thereof, and when and where the same could be examined. Full report was to be made to Congress by the Secretary of the Navy of all his acts under the act, the property sold, the parties buying, the amount realized, and, further, required all moneys received on account of the sales to be covered in to the treasury. Not one of these requirements of the Acts of May 8 and May 23, 1872, were complied with by Robeson, but every one was violated.

In concluding their report, the committee say:

#### HUNDREDS OF THOUSANDS OF DOLLARS TO "PROCURERS."

Your committee are thoroughly satisfied that large sums of money have been lost to the government by this disregard of the law; and if any additional evidence were wanting, it is to be found in the existence of "Cattellism" in the naval service, wherein hundreds of thousands of dollars have been paid to "procurers" for their services and influence in securing and obtaining contracts with the bureaus of the Navy Department.

There remains but one other question suggested by the defense to these alleged violations of the law, and that is, whether any punishment is enacted and provided by the law. It is urged that it is incumbent to show a fraudulent intent in the violation of the statutes; and that, again, the separate statutes referred to as having been violated are without penalties.

Your committee submit in reply, waiving any consideration of how far the common law or the local criminal laws of the District may be applicable, that by section 5439, Revised Statutes, it is provided and enacted that "Every person who steals, or embezzles, or knowingly applies to his own use, or who unlawfully sells, conveys or disposes of any ordnance, arms, ammunition, clothing, subsistence stores, money or other property of the United States furnished or to be used for military or naval service, shall be punished as prescribed in the preceding section," which punishment is, as stated, imprisonment at hard labor for not less than one nor more than five years, or a fine not less than one nor more than ten thousand dollars.

#### THE PLEA OF ROBESON DISPOSED OF.

Now, it is urged that this law was only intended for the soldier or sailor, or petty violator of the law. Such is not the reading of the statute or the act from which it was codified. But again, it is here said that the "fraudulent intent" must appear or be shown. To this it is replied that such is not the reading of the law. If punishment was sought for "stealing," the felonious intent, it is admitted, must be shown; so in the case of a charge of "embezzling." And in the case of "application of public money or property to the person's own use," it is probable that a fraudulent intent would be required to be shown, yet this is doubtful under the words of the statute; but where one unlawfully sells, conveys or disposes of public money or property, the averment and

proof of fraudulent intent is not required under the statute, nor is it necessary to the offense. The averment and proof of a fraudulent intent would make it one of the other offenses of the statute. They are distinct offenses, with distinct ingredients. In the case of the sale, conveyance or disposition of public money or public property, the evident meaning of the statute is that it shall be done alone by the warrant and sanction of law; otherwise it is unlawful and an offense punishable as prescribed.

#### WHO ARE RESPONSIBLE.

And, in further discharge of their duty, your committee now say that it is apparent from the whole proof in this investigation, that for the indebtedness of the navy existing at the time said investigation commenced, and that for the unlawful sale and disposition of large amounts of valuable property belonging to the naval service, and the unlawful disposition of large sums of the public money appropriated to the naval service, George M. Robeson, late Secretary of the Navy; W. W. Wood, late Chief of the Bureau of Steam Engineering; Isaiah Hanscom, late Chief of the Bureau of Construction and Repair, and Chiefs of the Bureau of Provisions and Clothing since 1872 to March, 1877, are chiefly responsible.

Therefore, in the opinion of your committee, that the law may be vindicated, and respect for its mandates maintained, it is the duty of the House to mark its condemnation of the illegal practices of these former officers of the Navy Department, and to invoke the attention of the Executive Department of the government, upon which rests the responsibility of further action in the premises, to these violations of law; and accordingly your committee submit for the favorable consideration of the House the following resolutions:

#### CONDEMNATION.

*Resolved*, That the acts and conduct of the late Secretary of the Navy, George M. Robeson, and of the late Chiefs of the Bureaus of Steam Engineering, Construction and Repair, and Provisions and Clothing, and who were such since May, 1872, and as referred to in this report, as well as all others aiding and abetting therein, in the sale and disposition of public property, in their method of making contracts and in involving the government in indebtedness over and beyond the appropriations made by Congress for the support of the navy, deserve and should receive the severest censure and condemnation.

*Resolved further*, That it shall be the duty of the clerk of the House of Representatives to deliver certified copies of the testimony taken before the Committees on Naval Affairs and Naval Expenditures of this House, together with the reports of said committees and the views of the minority, to the President of the United States, the Attorney-General and the Secretary of the Navy.

#### ANOTHER COMMITTEE CONDEMNS, ALSO.

The Committee on Expenditures of the Navy Department also presented an investigation of that department, directing its inquiries especially to the acts of Robeson during the last months of his administration. Their report fully corroborates that of the Committee on Naval Affairs. The Committee on Naval Expenditures report:

That in their investigation of the expenditures of the Navy Department they found—

Extravagance and disregard of legal restraint have been recognized at almost every step previous to the beginning of the present administration of the department.

We discovered that a major part of the indebtedness was incurred several years ago, on account of work done and material furnished—long since accepted and used by the government, and payment of which has been rendered impossible, for the reason that the funds in the treasury to the credit of the various bureaus have been recklessly squandered in what are technically known as open purchases, amounting to millions very often, without competition or advertisement, and, as your committee maintain, in disregard of economy and in gross violation of law.

Notwithstanding the plain terms of section 3709, open purchases have been the chief mode by which the Navy Department has been supplied with materials; not in obedience to exigency, but vastly in excess of its needs.

#### SO THE PLEA OF EMERGENCY FAILS,

and also the pretext of a threatened war with Spain, which disappeared, after a few months' duration, in December, 1875. The character of this abuse, and under whose auspices it flourished, covering a period of years, is sufficiently indicated by the testimony taken by the committee.

This violation of law, without warrant in precedent of authority, has depleted the treasury to the extent of millions of dollars, and has been the food on which pampered favorites have fattened, while it has prevented the payment of moneys due a meritorious class of creditors, to such an extent that many have been involved in bankruptcy, and all of them subject to irreparable loss.

The amount of open purchases and bureau orders within the last few years aggregates more than twenty millions of dollars; all the advantages of an open market have been ignored, fair competition avoided, and both the letter and spirit of the law disregarded.

At the date of the foregoing contracts, amounting to nearly four millions of dollars, there was to the credit of the Bureau of Construction and Repair only \$18,357.94 (see Appendix, page 251); to the credit of the Bureau of Steam Engineering, \$36,291.07 (see Appendix, page 245). The outstanding indebtedness at the same date amounted to more than four millions of dollars, exclusive of that incurred by the foregoing contracts.

It occurs to your committee that the simple statement above is sufficient to indicate

#### THE ILLEGAL CHARACTER OF THE CONTRACTS.

The honorable Secretary of the Navy, in his report, refers to Congress the question whether these contracts shall be ratified. We unhesitatingly recommend their cancellation, and we charge that their execution by the bureau officers, under the direction of the late Secretary of the Navy,



was a most defiant and inexcusable abuse of power, in the very teeth of express statutes. The provisions of law applicable are found in sections 3709 and 3732, printed in full hereinbefore.

The late Secretary of the Navy, when called before the committee at the instance of the minority, attempted to excuse this violation of law, so far as the third of March contracts are concerned, for the reasons, first, that payment of said contracts was conditional, dependent upon appropriations, and that no obligation was incurred—a pretention too idle for refutation; for if the work had been done and accepted, the government would have been bound in honor to pay for it; second, that he had acted upon the opinion of Attorney-General Taft, pronounced in these words, to wit: "The foregoing order (found in Appendix, p. 23) having been submitted to me by the Secretary of the Navy, I state that I perceive no legal objection to it, and it seems to me judicious and expedient, as well as just." This opinion is dated March 2, 1877, the same date of the order, indicating that the late attorney-general devoted brief time in its preparation, which fact is the only excuse which your committee is able to find for such an opinion from the highest law officer of the government.

This opinion it is needless to characterize. Cabinet officers are not at liberty to violate the law, even when advised they may do so by the law officers of the government; besides, the governing statute precludes any misunderstanding as to its meaning, for its terms are plain and specific; nor can any exigency be urged to justify the act.

#### THE REPUBLICANS AFRAID OF THE REPORT.

On February 10th, 1879, Mr. Whitthorne moved in the House to suspend the Rules so as to fix the 20th of that month for the consideration of the report of the Committee of Naval Affairs. The motion was rejected by a vote of 123 to 107, the required two-thirds not voting in the affirmative. All the Democrats voted aye, and all the Republicans no. General Garfield was present and voted no.

Another attempt was made on the first day of March to fix a day for the consideration of the resolutions, and the motion was again defeated, and by almost the same vote as above. (*Record*, vol. 8, part 3, 3d sess. 45th Cong., p. 2256.)

The Republicans thus refused to permit a vote. They knew well that the House would have condemned the management of the Navy Department by a large majority if a direct vote could have been reached.

## GARFIELD CHAMPIONS GEO. F. SEWARD.

### FILIBUSTERS TO PREVENT HIS IMPEACHMENT.

George F. Seward was United States Consul-General at Shanghai. In this position, from 1864 till promoted to be Minister to China, he practised a system of frauds and speculations which soon rendered him notorious everywhere. He charged enormous illegal fees for his consular services; he assumed the jurisdiction of the vice-consuls throughout China, in order that he might increase his fees; he compounded with the Chinese authorities to shield Chinese offenders and criminals as against American complainants; and, for great fees paid him, discontinued suits instituted against such criminals and offenders. He was guilty of so many outrageous acts that the American name became odious throughout the East. His crimes became so notorious that complaints were lodged against him at the State Department.

Unfortunately, the laws regulating consular affairs do not provide that the books of United States consuls shall be subject to official inspection. This weak place in the consular laws enabled Seward to enjoy absolute immunity.

### ROBBING A DEAD MAN'S ESTATE.

The following are among the illegal acts upon which articles of impeachment were founded by the "Committee on Expenditures in the State Department," at the third session of the Forty-fifth Congress:

As Judge of the Consular Court at Shanghai, in the settlement of the estate of D. R. Shedding, formerly an American citizen, he charged and exacted from Eugene McLaughlin, executor of Sheddings will and his administrator, a fee of \$620 for admitting the will to probate. This was in 1864. At the time this charge was made McLaughlin's account was before him as executor for allowance, and was allowed by Seward for five per cent. on the amount of Shedding's estate, when, in fact, under the law, McLaughlin was only entitled to *one* per cent. Seward retained his \$620. against the protest of T. F. Brown, who owned one-half of the Shedding estate. The probate service rendered was a part of the consul-general's regular judicial duties, and for which he was not entitled to receive one cent.

Benjamin Pease, charged with and proved to be guilty of piracy and murder, was the same year discharged from custody and permitted to go at large without trial.

In 1875 Vice-Consul Bradford tried and sentenced some American sailors to sixty days imprisonment for desertion without trial or hearing. One of these men petitioned Seward for a hearing to show bad treatment on board ship. Seward refused the hearing and caused the sentence of the petitioner to be extended to ninety days at hard labor on bread and water, and the sentence was duly executed.

He permitted this Vice-Consul Bradford to sit and try causes and pronounce judgments which were executed; also a man named George Sporter to try a man for murder and sentence him, and enforced the sentence in both cases. Neither of these men had authority to sit as judges, and Seward had no authority to permit them so to sit.

### HE STOLE \$20,000 OF GOVERNMENT MONEY.

In 1865, he took \$20,000, being moneys of the United States and known as the Seamen's Relief Fund, of which he was disbursing officer, and converted it to his own use, loaned it to a man named Andrew Anderson and to the firm of Clapp & Co., and to other persons, taking mortgages in his own name, with interest at eighteen per cent., which he pocketed as it fell due. He foreclosed the mortgage as plaintiff before himself as judge, ordered sales under the execution of the foreclosures, purchased the property sold to satisfy the judgments, and confirmed the titles to himself by order of himself, all the time sitting as judge. This was one of his neatest and most skillful operations.

Oliver B. Bradford, who was vice-consul at Shanghai and as such deputy Consul-General of the United States, Clerk of the Consular Court, and Consular Clerk of the United States, associated



himself with one A. A. Hayes and others in an unlawful scheme to construct a railroad from Woosung to Shanghai. This was contrary to the wishes of the Chinese authorities, and against treaty stipulations; but Bradford bought the right of way, pretending that he was about to build a common highway. Seward was well aware of what his purpose was, and aided and abetted the scheme, thereby causing great scandal and exciting the indignation of the Emperor of China.

In 1871 Richard Phenix was United States marshal of the Consulate-General at Shanghai, and as such entitled to fees for his services, the salary and perquisites of his office. Seward converted to his own use these fees, to which Phenix was entitled, making no return to the government therefor, but rendered false and fraudulent vouchers therefor. Seward, knowing that the fees of Phenix would be very largely in excess of his lawful salary, made a bargain with Phenix by which the latter received a stipulated sum, and Seward received the surplus derived from Phenix's fees, which he pocketed. He then got vouchers from Phenix for the entire amount of the latter's fees, which he forwarded to the United States treasury and was duly credited for.

#### SHAVING THE UNITED STATES.

As disbursing officer of the United States, charged with receipts and disbursements on account of the Consular Court, all the money received by him was paid in Mexican dollars. Silver was at a premium over American gold and over United States currency. He uniformly paid out the same silver he received, the receipts being very largely over the payments. But when he made out his quarterly accounts of receipts and disbursements, he doctored them to make them show that the receipts had been in currency of the United States, which had depreciated below the value of United States coin; that he had been compelled to purchase American gold at a premium for his disbursements.

In 1876 Seward became Envoy Extraordinary and Minister Plenipotentiary of the United States to China. In this capacity he converted to his own use the salary of the consul-general at Shanghai for the quarter beginning January 1st and ending March 31st of that year. During this quarter O. B. Bradford was acting consul-general at Shanghai, and Seward forwarded, or caused to be forwarded a voucher to the treasury in Bradford's name for the amount which he had thus converted to his own use. This compensation did not suffice. He also received his salary as United States minister at Peking, China, for and during the same quarter, the amount of the latter being \$2,637.96, and of the former \$1,249.98.

#### FOR SELF-PROTECTION SAVES BRADFORD.

On the 27th of March, 1877, in order to conceal the facts that while he had been consul-general at Shanghai he had made false vouchers and neglected to pay over consular moneys in his hands, and been guilty of extortion and other crimes as such consul-general, Seward unlawfully removed John C. Myers from the office of consul-general at Shanghai, and appointed in his place O. B. Bradford, who was advised of every one of his misdemeanors.

After his appointment as Envoy Extraordinary and Minister Plenipotentiary to Peking, Seward interfered in behalf of O. B. Bradford, vice consul-general at Shanghai, who had been convicted on a charge of embezzlement and was in prison. He left his post as minister at Peking and went to Shanghai, where he unlawfully endeavored to procure Bradford's release and discharge from jail. In this he unlawfully used his position as minister to obtain the discharge of a felon, knowing him to be guilty. He succeeded in his unlawful purpose. Bradford was released through his manipulation.

Mr. Springer's committee, investigating and controlling the accounts of the State Department, found it necessary to ask some questions of Mr. George F. Seward, and that gentleman was subpoenaed to come home and bring his books with him. He came, but refused to show his books, claiming that they were his private property.

#### THE PART GARFIELD PLAYED.

Mr. Seward was then held to be contumacious, and was placed in custody. While so under arrest and in charge of the Sergeant-at-arms of the House, Mr. Springer, as a question of privilege, presented articles of impeachment against him, containing a long list of charges, of which those above referred to are a portion. The impeachment articles were brought forward on the 3d of March, 1879. Previous to that date, on the 22d of February, Mr. Springer, as a question of privilege, endeavored to have Seward brought before the bar of the House to show cause why he should not be dealt with for contempt. When he presented the proposed order, Gen. JAMES A. GARFIELD sprang to his feet, saying:

Mr. Garfield: Let it be understood that all points of order are reserved.

Mr. Springer offered the report of the committee, with the views of the minority, which were ordered to be printed.

After this the Republican side of the House, lead by Gen. GARFIELD, Mr. Hale and others, began to filibuster in order to defeat every effort to bring Seward to justice. Only one week of the session was left.

On the 24th of February Mr. Springer called up the reports previously submitted with reference to his contumacy, and asked that the order directing

the sergeant-at-arms to take Seward into custody and bring him to the bar of the House, as recommended by the committee, be adopted. Thereupon Mr. Hale raised the question of consideration.

Mr. Garfield: Allow me to make a parliamentary inquiry. Does the Speaker decide that if the question of consideration were not raised it would be competent for us as a preliminary proceeding to bring this person to our bar before we decide the question presented in this case? The very question now pending as between the majority and minority of the committee is, whether there is any cause for bringing this man here at all? We ought not to bring him here if there is a probability that on hearing the considerations, *pro* and *con*, to be presented by the two branches of the committee, we may decide that there is nothing requiring him to be brought here. I would therefore suggest that we ought not to be called upon to decide the question in this summary way. The reports have only come before us to-day. We did not receive the *Record* yesterday, as we usually do on Sunday; and we have only seen these reports since the session opened this morning. I hope the gentlemen on both sides of the House see the propriety of letting this question lie over till tomorrow, when gentlemen can read the majority and minority reports.

The Speaker said it was a question of privilege.

Mr. Garfield: Very well; let it lie over for the present.

The Speaker said the refusal of a witness to answer had always been considered a question of privilege, though he had recognized the right of Mr. Hale to raise the question of consideration.

#### VERY ANXIOUS TO KNOW.

Mr. Garfield: We certainly ought to know all there is about the case before we are called upon to act.

After more debate, by consent the matter was allowed to go over, to be called up again as soon as the Legislative Bill should be disposed of.

On the 26th of February Mr. Springer sent a preliminary order to the clerk's desk requiring George F. Seward to show cause why he refused to answer questions put to him by the Committee on Expenditures in the State Department.

Mr. Conger and other Republicans instituted dilatory propositions, which were kept up until an adjournment was reached.

On the 27th of February Mr. Springer again called up the Seward matter.

Mr. Eugene Hale at once raised the question of consideration.

Mr. Bundy, from the minority of the committee, submitted a resolution declaring that the reasons already given by Seward for refusing to answer (*i. e.*, that the consular books wanted were his private books and therefore privileged) were sufficient to excuse his failure to produce them.

After further skirmishing, Mr. Springer got a vote by yeas and nays on the question of consideration raised by Mr. Hale. The question being "Will the House proceed to the consideration of the question of privilege presented by the gentleman from Illinois (Mr. Springer)" the yeas were 132, nays 122, not voting 36. This was practically a party vote, only one Republican (Mr. Brogden, N. C.), voting with the Democrats. Gen. Garfield resorted to his usual method in such cases, and on the yea-and-nay call DODGED.

The main question was then seconded, after a struggle in which Mr. Conger was somewhat conspicuous.

Mr. Springer then took the floor and addressed the House upon the question of contumacy which had been raised by Mr. Seward's refusal to exhibit the books of the Shanghai Consulate during his incumbency of that office.

A long debate followed, upon the conclusion of which the question recurred upon the resolutions of Mr. Bundy, declaring that *Seward was excused from producing the consular books*.

On this question the yeas were 119 to nays 142, not voting 29. This was also a party vote, and MR. GARFIELD voted YEA.

So the Bundy minority report was disagreed to.

#### FILIBUSTERING TO SAVE A ROGUE.

The filibustering continued for some time.

Mr. Conger moved to adjourn.

Mr. Springer: Does the gentleman mean to filibuster on this question? The House has



ordered a recess at half-past seven o'clock. The House has not adopted the resolutions reported by the committee. The vote just taken was on the minority resolutions. Does the gentleman from Michigan desire to prevent the passage of the resolution?

Mr. Conger: I have acted advisedly.

Mr. Springer: The gentleman, then, desires to prevent their passage?

Mr. Conger: I will answer the gentleman after we have taken a recess.

The Speaker said it was in order to take a recess.

Mr. Luthell: The whole object is to filibuster and defeat the investigations of the committee.

Mr. Springer insisted that a vote should be had on the resolution of the majority of the committee.

Mr. Conger moved to take a recess, which was lost by yeas 87, nays 130, not voting 73.

MR. GARFIELD VOTED YEA.

The question being on agreeing to the resolution of Mr. Springer, to cite Seward before the bar of the House for contumacy, the vote was taken by a division of the House, resulting in yeas 115, nays 1, the Republicans refusing to vote to prevent a quorum.

Several other dilatory motions were made, followed by votes which disclosed the want of a quorum.

Finally, Mr. Springer succeeded in having his report agreed to on a rising vote of 105 yeas to 47 nays, five votes more than a quorum.

On the 28th of February the sergeant-at-arms presented George F. Seward at the bar of the House.

He was told by the Speaker why he had been placed under arrest, and presented in response a written defense of his recusancy, the principal feature of which was a quotation from the 5th amendment to the Constitution of the United States, declaring that

*No person \* \* \* shall be compelled in any criminal case to be a witness against himself.*

When asked by the Speaker whether he declined to produce the books he had been required to furnish,

Mr. Seward said: I stand here, Mr. Speaker, for my rights as a citizen and an officer. So long as persons who are my enemies are pursuing me before that committee, I shall hold all books, and papers which I now hold.

Debate was then had, during which Mr. McMahon asked Mr. Springer if the witness had made answer under oath that they were private or public books.

#### THE ROGUE REFUSED TO CRIMINATE HIMSELF.

Mr. Springer: I desire to explain that matter. The answer is just this: the witness was not required to be sworn at all before the committee in the first instance; he was only asked to produce these books, and a subpoena was directed to him. I declined to ask that he be sworn; but as chairman of the committee I put the question to him whether he would produce the books. To that question he made no response except that he would answer by his counsel.

I then asked him the other question, whether he would produce the books at some convenient time, at a meeting of the committee to be held thereafter. To that question he made no other response than an answer by his counsel. Then, by order of the committee, I asked him to take a qualified oath as to where the books could be found. He declined to be sworn and sat mute. Another general oath was tendered to him, not because the committee wanted to ask him any question, but to save a point which was raised by a member of the committee, that unless he was sworn he could not be regarded as a witness. He refused to take both oaths, and the only object of this proceeding is to secure the books. That is all.

Considerable debate followed, when Mr. Springer called for the reading of his resolution, declaring the answer of Seward insufficient, and he in contempt, which was done.

On seconding the demand for the previous question on this resolution, tellers were ordered, and the House refused to second the demand, by yeas 107, nays 110.

Mr. Bundy offered a substitute for Mr. Springer's resolution, which directed that the answer of Seward and all the papers and evidence in the case be referred to the Judiciary Committee, with instructions to report at an early day what action the House ought to take. The resolution was agreed to by yeas 112 to nays 108, not voting 70. MR. GARFIELD DODGED.

On March 1st Mr. Springer raised a question of privilege to submit the report of the committee in reference to the impeachment of *George F. Seward*.

MR. GARFIELD raised the point of order that the House was then executing an order under a suspension of the rules.

Debate followed and the Speaker ruled that a question of privilege took precedence of any other business.

MR. GARFIELD: Then I raise the question of consideration upon it. The debate continued with the usual dilatory tactics, terminating in a motion to take a recess till 9½ o'clock a. m. the next day (Sunday). This motion was agreed to by yeas 89, nays 84, not voting 117. MR. GARFIELD (Christian Statesman) voted YES.

#### GARFIELD LABORED TO DEFEAT IMPEACHMENT.

On March 3d Mr. Springer resumed the floor on the privileged question for presenting articles of impeachment against *George F. Seward*. The articles were read, as also were the views of the minority, opposing any further action by the House in the premises beyond a reference of the matter to the Judiciary Committee. Mr. Springer moved the previous question on the original resolution of impeachment, and also on the amendment offered by the minority; which was agreed to and the main question ordered. It was the last legislative day. The filibustering to save Seward was likely to succeed. Mr. Springer now held the floor, but Mr. Butler (Mass.) of the Judiciary Committee claimed the right to make a report from that Committee concerning the resolution of contempt which had been referred to them, with instructions to report at an early day. Mr. Butler claimed that this was as much a privileged question as the impeachment matter. It was a cognate subject.

A good deal of debate followed in which, in order to further delay and embarrass the proceedings, MR. GARFIELD said:

Permit me to say a single word. I desire to call the attention of this House to the fact that here is a proceeding begun in the first place by bringing a party before the house for contempt. He is under arrest; he is under our custody, legally and technically. Our hand is upon him; he is by us restrained of his liberty. Now, while that restraint is still upon him, while he is still not at liberty, a proposition is made here to impeach him. Now, we on this side say that the two propositions relating to this party are, first, the question of personal liberty; and, second, the judicial proceeding against him. The personal liberty feature is the higher privilege and ought to be heard first. A man ought to be free when we proceed to impeach him. To put him in jail is law; to strike him while he is in jail, is to say that we will follow the law of Rhadamanthus, to punish and then hear. That is not American law, and is not American liberty. The question of his liberty ought to be heard first.

This was mere buncomb. It had just been announced that Seward was discharged from arrest.

The Speaker decided that the Springer resolutions of impeachment were of higher privilege than the proposed report of Mr. Butler.

Mr. Banks appealed from the decision.

Mr. Springer moved to lay the appeal on the table.

Mr. Banks demanded the yeas and nays, which were ordered.

#### THEY TOOK THE RESPONSIBILITY.

After further debate and dilatory proceedings, Mr. Springer said:

If gentlemen on the other side wish to filibuster until the hour of adjournment to-morrow, for the purpose of preventing one of their own party friends for being impeached for high crimes and misdemeanors, they can do so, but they must take the responsibility for it before the country.

The filibustering continued, and finally took the shape of a motion by Mr. Conger for a recess of 30 minutes, which was not agreed to. Yeas 17, nays 221, not voting 52.

GEN. GARFIELD DODGED this vote.

The House then voted on Mr. Bundy's substitute, referring the whole matter to the Judiciary Committee, and it was rejected by yeas 99, nays 120, not voting 71.

GEN. GARFIELD VOTED YEA.

More dilatory proceedings followed, and Mr. Conger demanded a separate vote on the impeachment resolutions.

GEN. GARFIELD insisted on voting on the 17 articles of impeachment separately, and then upon the resolutions of impeachment separately.

The Speaker ruled that the usual proceeding of the House in similar cases must be followed; that is, to vote on the resolutions first and the several charges afterward.

On the adoption of the resolutions the Republicans left the House without a quorum, the vote standing: yeas 109, nays 16, not voting 165. On this vote GEN. GARFIELD went with the solid republican side and DODGED.

A call of the House was ordered, and then withdrawn. Another vote was



then taken on agreeing to the resolutions, which disclosed another lack of a quorum, the vote standing yeas 106, nays 2, not voting 182. GEN. GARFIELD again DODGED. There was more filibustering and sharp talk.

Finally, a compromise was effected by which the main question was reconsidered, and the subject was postponed untill 11 o'clock a. m.

This was the final disposition of the case. It was impossible to secure action on the impeachment resolutions, because the Republicans would always leave the House without a quorum. Mr. Springer, knowing that there were important measures on the Speaker's table necessary to be acted on, regular appropriation bills, conference reports, and other important bills which it was imperatively necessary to pass, did not desire to consume in a fruitless struggle the three remaining hours of the session. He had discharged his full duty in the premises. He yielded to the inevitable, and the Republican party, with JAMES A. GARFIELD as one of its chief managers, took the responsibility before the country of saving from impeachment an officer of the government, tainted with every kind of official malpractice, guilty of numerous misdemeanors. To-day GEORGE F. SEWARD is the representative of the United States to the Empire of China. The failure to impeach him gave a fraudulent administration the opportunity it had longed for. Seward went back to China, without even a film of whitewash to cover his multitudinous official misdeeds.

## THE ELECTORAL COMMISSION.

### GARFIELD'S DOUBLE COURSE.

General Garfield as a member of the House of Representatives in discussing the Electoral Commission bill, and afterwards as a member of the Electoral Commission, was inconsistent. It would be unnatural for him to be otherwise. He believed that the bill as it was reported from the "Joint Select Committee of the two Houses on Counting the Electoral Votes," and as it passed and became a law, gave Congress and the Commission the right and the power to go behind the returns. He feared the Commission would exercise this power. He knew if it did, Mr. Tilden must be declared to have been elected President of the United States, for Mr. Garfield, as one of the visiting statesmen to Louisiana, fully understood that Mr. Tilden had carried the electoral vote of that State. Therefore he opposed the bill in the House of Representatives. In speaking of the power this bill conferred, he said:

HE DECLARED IN THE HOUSE THAT THE LAW EMPOWERED THE COMMISSION TO  
GO BEHIND THE RETURNS.

This bill creates and places in the control of Congress the enginery by which Presidents can be made and unmade at the caprice of the Senate and the House. It grasps all the power, and holds states and electors as toys in its hands. *It assumes the right of Congress to go down into the Colleges and inquire into all the acts and facts connected with their work. It assumes the right of Congress to go down into the states to review the act of every officer, to open every ballot box, and to pass judgment upon every ballot cast by seven millions of Americans.* \* \* \* \*

But double returns from a state are to be sent to a mixed commission, consisting of an equal number of members from each House of Congress and the Supreme Court. *That commission is virtually clothed with power to hear and determine the vote of any state, and its decision is the law, final and conclusive, unless both Houses shall concur in reversing the decree.* \* \* \* \*

They may 'take into view such petitions, depositions, and other papers, if any, as shall by the Constitution be competent and pertinent in such consideration.' They may also send for persons and papers, because they have all the powers possessed by the two Houses or either of them, and this House certainly has shown its power to send for persons and papers beyond any other of its great powers.

The first test vote on the Electoral Commission came upon the question whether it would receive evidence in the Florida case. By a vote of 8 to 7 the Commission—

Ordered, That no evidence will be received or considered which was not submitted to the Convention of the two Houses by the President of the Senate except such as relates to the eligibility of F. C. Humphreys, one of the Electors.

The only thing the President of the Senate submitted to the Convention of the two Houses was the certificates of Electoral votes.

### HE WENT BACK ON HIMSELF AS A MEMBER OF THE COMMISSION.

In his opinion as a member of the Commission, on this question of receiving evidence, General Garfield says—

Though I opposed the bill in the House and regarded it, as I still do, in conflict with the constitutional plan of counting the electoral vote, my opinion was overruled by the two Houses: and shall do all in my power to carry out *the provisions of the act in its spirit and letter.* And this being one to correct the act itself to ascertain our powers and duties under it.

This law is based on the assumption that it is the right and the duty of the two Houses of Congress meeting together, to count the votes for President and Vice-President.



It prescribes the order of proceeding to perform that duty. When the certificates of any state are opened, if no objection be made, the votes of that state shall at once be counted. If objection be made, two modes of procedure are provided, one for a single return, and another for a double return. The two Houses pass upon objections to a single return; this Commission is required to act in cases of double returns. In either case the action is to be according to the Constitution and the law. In each the object to be reached is to count the lawful votes of the state. The provisions of the act which regulates the conduct of the two Houses in cases of single returns will throw light upon the duty of the Commission in cases of double returns. The first section of the act provides that in cases where there is but one return from a state, and an objection is made to the count, the two Houses shall separate and each shall act upon such objection. The fourth section provides that—

When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote, or votes, from any state, or upon an objection to a report of the commissioners, or other questions arising under this act, each Senator or Representative may speak to such objection or question ten minutes, and not oftener than once; but after such debate shall have lasted two hours it shall be the duty of each House to put the main question without further debate.

#### A PUERILE ARGUMENT.

Can it be claimed that this provision implies the hearing of testimony and the trial of a contest? The whole time allowed to the two Houses to decide the gravest objections that may be raised to the counting of the vote of any state or of any elector is but two hours; and that brief period is devoted, not to the hearing of evidences, but to debate. There is no provision in the section for taking testimony or trying disputed questions of fact. The reasonable construction of the section is that the two Houses decide any question of law or any matter of informality which may appear on the face of the certificate, opened by the president of the Senate. It has been said by an honorable member of the Commission that, in deciding upon an objection to a single return, the two Houses may exercise their acknowledged power of inquiry by sending for persons and papers, and may use testimony already taken by their committee; but it must be remembered that the contents of the certificates on which the objection is based, can be known by neither House nor by any member of either House until it is opened in their presence; for the objection provided for in the act is "to any vote or paper from a state." Certainly it will not be claimed that any testimony taken, before the contents of the sealed package are made known, can be lawful and valid testimony to sustain an objection made afterward. Such testimony might be *ex parte*, misleading and false; and yet in the two hours allowed by the bill it might be wholly impossible to procure evidence to overcome it.

As a member of the House General Garfield declared upon his honor that the law which created the Commission conferred the power to "go down into the states and review the act of every officer to open every ballot box, and to pass judgment upon every ballot cast by seven millions of Americans." \* \* \* "That the commission is virtually clothed with power to hear and determine the vote of any state." \* \* \* "They may also send for persons and papers, because they have all the powers possessed by the two Houses or either of them." Comment on such inconsistency certainly is unnecessary. The order made in the Florida case was repeated in the Louisiana case by the same 8 to 7 vote, General Garfield of course voting with and making up the eighth.

#### GARFIELD CALLED TO ACCOUNT.

Mr. Hewitt, of New York, said: "Although I am physically in no condition to address the House, I feel nevertheless that I have a duty, a painful duty to perform which can no longer be deferred. The decision rendered this day is the

#### COMPLETION OF THE FRAUDULENT SCHEME

for counting in a President who was not elected, and for counting out a President who was elected by the votes of the people of this country. The consummation of this scheme was a foregone conclusion from the hour when the decision in the Florida case was rendered. It is not to be disguised that there is in this country a deep-seated feeling of injury, a keen sense of wrong. It comes up from the heart of the people, from every class; from the lawyer, the doctor, the clergyman, as well as from the farmer, the mechanic, and the laborer. I have been overwhelmed by letters from every part of the country appealing to me to do something that would make this outrage a nullity. These people feel, not that they have lost the fruits of victory; that is not what stirs their indignation—they feel that they were willing to confide their case to a just tribunal; that they did confide their case to a tribunal whose judgment is not a just one; that they and the members of this House who voted for that tribunal, and the members of the com-

mittee who framed the bill creating it, have been deceived. They ask me where the responsibility lies. They ask me whether this feeling is well founded; I am compelled to say that it is. It is my purpose in the few minutes that I now have to try to fix that responsibility." \* \* \*

#### THE RESPONSIBILITY FIXED.

"Now as to the three judges. I propose to say only this: they took no part in the formation of this measure; they made no request to sit upon this tribunal; they were put there, so far as we know, without their consent, and probably against their will. Their action, therefore, is to be judged not by us, but by a higher tribunal, to whom they must render their account at the last. In regard to the other members of that tribunal, they are to be judged by the record which they have made in committee and in the discussions of the two Houses. Of Judge Edmunds I desire to bear witness that at no time to my knowledge did he express an opinion as to the power of this Commission to go behind the returns. It might possibly have been inferred from his actions on previous occasions that he entertained the view that the two Houses of Congress could go behind the returns; but neither in his speech on the bill nor elsewhere do I know that he ever expressed that view. Mr. Frelinghuysen undoubtedly expressed the opinion that there was no such power.

#### MR. GARFIELD'S POSITION.

"Mr. Garfield in the discussion in this House unquestionably expressed the opinion that there was such power. Mr. Morton, in the discussion in the Senate, undoubtedly expressed the opinion that it was the bounden duty of the tribunal to go behind the returns. In replying to the Senator from Ohio (Mr. Thurman) he stated in unmistakable language that the Senator from Ohio had declared that it was the judgment of every Democratic member of the House and of the Senate that there was power to go behind the returns, and without this power the bill could not have received a single Democratic vote in either House; and it was the judgment of every Democrat who sat upon the committee that there was such power. (*Record Forty-fourth Congress, second session, vol. 5, part 3, page 1914.*)

## GARFIELD THE CHIEF OF THE CONSPIRATORS.

#### HE WAS COUNSEL, CONGRESSMAN AND JUDGE.

Garfield's nomination means the indorsement and approval in the most positive and offensive manner possible of the presidential fraud of 1876-77. He had more to do with it than any other man, and was the only man who occupied toward it a double relation. After the election Garfield went to New Orleans by request of Gen. Grant, without authority of law, as a partisan. He went there to assist his party in making up a case, and after his return to Washington, of all his associates he was the only man who took his seat upon the Electoral Commission. By every sentiment of fair play he should have been excluded from the jury box. By his own sworn statement of what he did in New Orleans, Garfield had charge of the returns from West Feliciana parish. In one of the inner rooms of Packard's Custom House he did his work, examined the affidavits, and when they were not sufficiently full, he prepared or had prepared additional interrogatories to bring them within the rules adopted by the returning board. The testimony, so received by Garfield, went back to the returning board, and the result was that West Feliciana with its Democratic majority was thrown out. In Washington, Garfield's vote was that Congress could not go behind the returns thus made. As agent for his party he helped to make returns by manipulating the evidence; and as jurymen for the nation he held such evidence as conclusive and binding.



## THREE MONSTROUS GRIEVANCES.

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### I. TROOPS AT THE POLLS. II. PARTISAN JURY LAWS. III. PARTISAN ELECTION LAWS—GEN. GARFIELD'S DEVIOUS COURSE—HIS INCONSISTENT RECORD.

A majority of the people of the United States, represented by the Democratic majority in Congress, complained of, and demanded the redress of three monstrous grievances:

*First.* The power conferred, by section 2002 Revised Statutes, upon, and exercised by, the Executive Department of the government, to use the military and naval forces of the United States "to keep the peace at the polls."

*Second.* The power conferred, by sections 820 and 821, Revised Statutes, upon, and exercised by, the Judicial Department of the government, to pack juries, and thereby interfere with and pervert the administration of justice.

*Third.* The power conferred by sections 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2031 and 5522 Revised Statutes, upon, and exercised by Federal officers, appointed by irresponsible partisans, to interfere with state elections, and to intimidate, persecute and control duly qualified electors of the state.

The Democratic majority in Congress proposed to redress these grievances by amending the sections of the Revised Statutes which made this possible. We print the sections with the parts to be repealed in italics.

SECTION 2002, Revised Statutes, is as follows:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men, at the place where any general or special election is held in any state, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

#### JURY LAWS TO BE REPEALED.

SECTIONS 820 and 821, Revised Statutes, are as follows:

SEC. 820. *The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section eight hundred and twelve, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.*

SEC. 821. *At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or*

*affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.*

#### SECTIONS OF FEDERAL ELECTION LAWS TO BE AMENDED.

SECTIONS 2016 to 2028 and 2031 and 5522, Revised Statutes, are as follows:

SEC. 2016. *The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a representative or delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section two thousand and twenty-six, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.*

SEC. 2017. *The supervisors of election are authorized and required to attend at all times and places for holding elections of representatives or delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-list, and tallies or check-books, whether the same are required by any law of the United States, or any state, territorial, or municipal law, are kept.*

SEC. 2018. *To the end that each candidate for the office of representative or delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof, and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any state, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.*

SEC. 2019. *The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns and statements has been wholly completed.*

SEC. 2020. *When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a representative or delegates in*



Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the Circuit Court, shall forthwith examine into all the facts; and he shall have power to subpoena and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such representative or delegate was voted for, he shall file with the clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

Sec. 2021. Whenever an election at which representatives or delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any lists of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

Sec. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

Sec. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or Court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or Court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Sec. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.

Sec. 2025. The Circuit Courts of the United States for each judicial circuit shall name and appoint, on or before the first day of May, in the year eighteen hundred and seventy-one, and thereafter as vacancies may from any cause arise, from among the Circuit Court Commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as capable and faithful, discharge the duties in this title imposed.

Sec. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the application of all parties for appointment to such positions; upon the opening, as contemplated in section two thousand and twelve, of the Circuit Court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the Court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be

verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports and records of every kind and nature contemplated and made requisite by the provisions hereof, save where otherwise herein specially directed.

Sec. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of representatives or delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

Sec. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

Sec. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as Circuit Court Commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section two thousand and twenty, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of five dollars per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

Sec. 5522. Every person, whether with or without any authority, power or process, or pretended authority, power, or process, of any state, territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the cost of the prosecution.

#### THE HISTORY OF TROOPS AT THE POLLS.

The history of section 2002 is as follows: During the war and after the war in the early reconstruction period the military interfered in the border states with elections. This was particularly the case in Delaware, Maryland, West Virginia and Kentucky. Subordinate army officers took possession of the polls and arbitrarily supervised elections and in their discretion directing ballots to be received or rejected. These occurrences took place in states where the reconstruction acts were not in force and where the civil authority was unobstructed by disloyal persons and where it ought to have been superior to the military power. These illegal and high-handed acts excited the just indignation of all classes, and when reported to Congress were defended by no one. To stop their recurrence



Senator Powell of Kentucky introduced at the first session of the Thirty-eighth Congress a bill to prevent military interference in elections in the states. He desired to have it go to the Judiciary Committee, but the Republican majority sent it to the Military Committee. This was in 1864, when the war fever was still at a white heat. It was claimed that the rebellion was not yet at an end, that a spirit of defiance still existed even in the border states of the South toward the federal authority, and that it would be unwise to lift entirely the heavy hand of military restraint. The Military Committee of the Senate reported adversely upon Senator Powell's bill, and, after much discussion, it was informally laid aside. On June 22, 1864, Senator Powell again called it up, and after amendment, it was passed. The essential portion of the bill, as Senator Powell proposed it, was as follows :

"That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military or naval service of the United States, to order, bring, keep or have under his authority or control any troops or armed men within one mile of the place where any general or special election is held in any state of the United States of America, unless it should be necessary to repel the armed enemies of the United States."

Senator Pomeroy, of Kansas, successfully moved to amend the clause by adding "or to keep the peace at the polls," whereupon Mr. Powell said : "I object to that. It would destroy the effect of the bill. The state authorities can keep peace at the polls." And Senator Saulsbury, of Delaware, said : "That is the very pretext on which these outrages were committed in my state, and it is the very same pretext that will be put forward again."

Senator Pomeroy claimed that the troops had been used in the territory of Kansas ostensibly to preserve the peace at the polls, and he thought the Democrats should be chary of legislating now altogether to prohibit the use of troops really to preserve peace at the polls.

Senator Howard, of Michigan, of the Committee on Military Affairs, explained that the adverse report from his committee was upon the ground that it is not the right of an enemy of the country to vote or exercise any political functions, whether that enemy be a rebel, a traitor in arms against the country, and hence a domestic enemy, or whether he be a public enemy, owing allegiance to a foreign government. This, he said, was the doctrine of his report. "But," he continued, "in respect to all persons who are friends of the government, but who may happen to differ upon questions of administration, the report does declare, very properly, certainly, that there should be no interference, either of the military or other persons, in the free enjoyment of that valuable privilege."

There had been interference on the part of the military in elections in the border states of Delaware, Maryland and Kentucky, states that were not in rebellion, states where a decided majority of the people were Union in faith and practice. It was to forbid the employment of the federal troops for such purposes in those states that this law was proposed, and upon which this discussion, as epitomized above, was had in the Senate on the 22d day of June, 1864, twelve days before the victory was won by the Union troops over the rebels at Gettysburg. While this very discussion was going on in the Senate, Lee's army was across the Potomac, and his cavalry was raiding into Pennsylvania. But even at this critical period, Republican Senators like John P. Hale and Henry Wilson, voted against Pomeroy's amendment "to keep peace at the polls." This amendment, however, was adopted, and the Democrats satisfied that they had obtained all that they could hope for—the concession of the principle which Howard's

report made, that the presence of troops at the polls was not to be justified save to exclude the public or domestic enemies of the United States from the right of suffrage—were content to accept a substantial gain, the positive inhibition of the presence of troops within a mile of the polls, save to quell actual riot. The bill passed the Senate as amended by Pomeroy, by a vote of nineteen to thirteen—Hale, Lane of Kansas, Pomeroy, Trumbull, Ben Wade, Grimes, Willey, stalwart Republicans of that day, voting in the affirmative. There was a subsequent attempt to reconsider the bill in the Senate, but it failed; and at the next session of the Thirty-eighth Congress it passed the House, and was approved by President Lincoln on February 25, 1865.

The intent and purpose of this law was to restrict the power of the military and forbid their interference at the polls. The concession which the radical leaders made, the relief which the people of the border states thereby obtained was so great the Democrats in the Senate and House were willing, temporarily, to yield the proviso "or to keep the peace at the polls." They, however, did not concede this as a constitutional right of the executive power, they said then that it was a dangerous innovation, but they never dreamed that these eight words "or to keep the peace at the polls" would afford an opportunity to an administration to use almost the entire military establishment for partisan election purposes in the Southern states, as was done in 1876, or to make preparations to use the army and navy in the city of New York as was done in 1870.

#### HISTORY OF THE JURY LAWS.

Sections 820 and 821 are a part of the war legislation and of the reconstruction measures. They were a part of the extraordinary machinery provided for the enforcement of the Fourteenth Amendment. They were so manifestly unjust, unnecessary and so liable to be improperly used for partisan or arbitrary purposes, that a Republican Congress in 18— repealed them. They were re-enacted and became sections 820 and 821 of the Revised Statutes by a trick or a mistake, which no one has ever been able to discover. The Revised Statutes being, as it was supposed, a compilation of the Statutes then in force and unrepealed was enacted as one huge law in 1874. They were the work of two or three commissions, and were accepted by Congress upon the indorsement of the Committee on Revision of Laws—that they contained nothing, not a line or a letter which was not then the law of the land. In the Senate this huge compilation was passed without being read, without even removing the wrapper in which it came from the printing office. It is well known that there were the most serious errors, willful or otherwise, and that great interests were imperiled thereby. Many of these additions and omissions very possibly were accidental. Two distinguished Republican lawyers were employed and paid \$10,000 each to revise the revision. The law directed that the revised revision should be *verbatim et literatim et punctuatum* the language of the Statutes at Large, which were unrepealed, but with the modifications necessary to conform them to, amendatory acts subsequently passed. These two eminent lawyers employed two incompetent persons, one a huckster, the other nothing in particular, neither having the slightest qualification for the important work, to make the revision of the revision. Whether by the ignorance of these incompetents, or by design, only one thing is certain—sections 820 and 821 slipped into the Revised Statutes and were re-enacted in 1874.

#### INTERESTING HISTORY OF FEDERAL ELECTION LAWS.

Sections 2016 to 2028 and 2031 and 5522 are part of the Federal Election Laws. Their history is interesting. They were framed under the direction of a shrewd



lawyer, but John I. Davenport appears to have conceived the idea and with other persons employed by the Union League Club, of New York city, to have suggested the ingeniously oppressive and expensive features. Davenport is unscrupulous, ingenious and energetic. The laws were intended to serve the lowest partisan ends, but they were chiefly designed to put money in Davenport's pocket. They have served both purposes admirably well. Prior to 1868 Federal Election Laws were unknown.

Report No. 800, House of Representatives, first session, Forty-fourth Congress, furnishes the history of the conception, formation and presentation of these laws to Congress. Mr. Samuel J. Glassey, a lawyer of New York city, who was examined by the Committee on Expenditures, in the Department of Justice, of the Forty-fourth Congress, testified :

#### WHERE AND HOW THE LAWS ORIGINATED.

The Union League Club, on the evening of Thursday, the 5th of November, 1868, appointed a special committee to take measures to have an investigation made into the frauds alleged to have been committed at the election held on the Tuesday of that week, two days before. That committee was composed of five or six prominent members of the club, all gentlemen well known in the community; and at the instance of that committee, I was retained one or two days afterward to act as counsel for the Union League Club to conduct that investigation. General John A. Foster, a well-known lawyer of this city was about the same time retained as my associate. He and I had a consultation together on the day after we were respectively informed that we had been selected to do that work, and arrived at an understanding between ourselves as to the manner in which it should be done, the objects to be sought, the methods to be pursued, and immediately put ourselves in communication with the committee.

All those concerned in pressing the investigation were active Republicans, and we looked for Democratic frauds, although we invited by public advertisement information as to frauds perpetrated by both parties.

By Mr. COCHRANE : Q. State what you know, without going too much in detail ?

A. Two acts of Congress, passed during the session of 1870, one in May and the other in July, were the result of a comparison of some eight or ten bills which the different members of the two different Houses had prepared and introduced on their own motion, with the bills drafted to accomplish the same object. Mr. Davenport, in this same employment, acting under the directions of the club committee, and especially of myself and General Foster, was sent to Washington, his expenses being paid and he receiving compensation for his services, to attend to the urging of these bills. In the winter of 1870 and 1871, the club resolved that some further legislation was necessary on the subject, and in December of 1870 or January of 1871 Mr. Davenport went to Washington again, and while he was there this act of February 28, 1871, was passed. The concoction of that bill I had very little to do with. Some part of it was drafted by Mr. Davenport. I very distinctly remember reading over the section relating to fees. The two previous acts of Congress, those passed in May, 1870, and July, 1870, I knew all about.

Q. What did he say to you about that section in reference to fees ?

A. That if he could get that clause in it would enable him to make \$15,000 or \$20,000 at the time of every general election. It is proper to say that these first two bills that were passed in 1870 were very carefully considered, not only by General Foster and myself, but by several prominent lawyers, who were members of the club, and several members of Congress and other persons of prominence.

Q. Was he not appointed supervisor in 1871 ?

A. Yes, sir ; I think so, but my business relations with him closed within a very few days after that, and I don't think that I was aware that he had actually received the appointment when I dissolved the partnership. Down to the 1st of May, 1871, there had not been opportunity or occasion for any action, officially or otherwise, on his part, in relation to elections, after the election held in the fall of 1870. He held no office that warranted any action on his part in regard to elections in any way, shape or manner. The act passed on the 28th of February, 1871, was in great part of his designing—he prepared it, and at the instance of the Union League Club he went to Washington and attended to its passage. Some time during the spring of 1871, whether before or after the 1st of May I can't now distinctly recollect, I heard that he was obtaining information from the census marshals for use at elections.

#### DAVENPORT'S PECUNIARY INTEREST.

The Committee on Expenditures in the Department of Justice in their report to the House say :

After taking Whitley's (who was chief of the secret service) testimony on the 23d March, 1876, the committee recalled him about the 13th of April, and he testified that he was ordered first by Attorney-General Akerman and afterwards by Attorney-General Williams to pay to Davenport the money out of this \$50,000 annual appropriation ; that in 1871 he paid him \$5,000 ; in 1872, during the presidential campaign, he paid him \$20,000, and afterward, in the next year, \$4,000, making in all \$34,000. He says he did not know what Davenport was to do with the money, but he always objected to paying it to him. He testified that the attorney-general told him he had received a request from the President to pay it to Davenport, and he (Whitley) therefore obeyed orders. He said Davenport was a politician in New York, and was in no way connected with him in the secret service department.

Notwithstanding the payment of \$34,000 of government money out of the Ku-klux fund to Davenport, there is not the slightest evidence in the Attorney-General's Office or any department

of the government to show that he ever received a dollar of this fund for any purpose (see page 28, part 2).

Your committee is much impressed with the conviction that Mr. Davenport was not wholly unselfish in the interest he took in the passage of these laws, as we find that as soon as the laws were passed he was called upon to fill the chief offices created by them, until now he holds no less than four offices, to wit, United States commissioner, chief supervisor of elections, clerk United States circuit court, and master in chancery.

The first of these laws which Mr. Davenport says he was instrumental in having passed is the enforcement act of May 3, 1870. This law is made to provide in section 9 for an increase in the number of United States commissioners, and in section 12 for their fees.

Mr. Davenport says (page 42), in answer to the question, "How long have you been United States commissioner?" "Some time in 1870, I think about August;" just after the passage of the law. The next law which he was instrumental in passing, as he says, is the act to amend the naturalization laws, which provides in section 5 for the appointment of supervisors of elections.

The next act which he is instrumental in passing is the law to amend an act "to enforce the right of citizens to vote," wherein it is provided, in section 13, that the court shall appoint one of these United States commissioners chief supervisor of elections. This act was approved February 28, 1871. Mr. Davenport is asked (page 42), "How long have you been chief supervisor of elections?" He answered, "Ever since the law passed, which, I think, was on February 28, 1871."

Mr. Davenport says that the aforesaid act (under which he was appointed chief supervisor) was amended by the act of June 10, 1872, chapter 415, volume 17, at his expense of \$80 for telegraphing to and from Washington.

It will be remembered that June 10, 1872, was at the beginning of the presidential campaign of 1872.

This amendment, procured by Davenport, under the head of "judiciary," as he says, provides "for defraying the expenses of the courts, &c., for jurors and witnesses," &c., "and for the expenses which may be incurred in the enforcement of the act relative to the rights of the citizens to vote," of February 28, 1871 (providing for the appointment of chief supervisors), as above given, "\$3,200,000; of which sum \$200,000 shall be available for the present fiscal year."

Under the same head, page 350, and in the same law, is the appropriation of the sum of \$50,000, to be expended under the direction of the attorney-general, for what is known as the Ku-klux fund, for the "detection and prosecution of crime," &c.

We find Davenport, one month after this, gets from Whitley as shown by his receipt, \$5,000; on the 26th of September, \$10,000; October 11, \$5,000; in all \$20,000, during the presidential campaign of 1872.

In addition to this, the testimony shows (see page 142) that, in the winter of 1871 and 1872, Davenport got from the committee of seventy between \$8,000 and \$10,000 "for services performed." In addition to this sum we find that Mr. Davenport rendered a bill to the government for the election of November, 1872, which is given on page 34, for \$18,630.35. This bill is for expenses incurred for payments to himself, which are provided for by the law of February 28, 1871, section 14, which he was instrumental in having passed, fixing the fees of chief supervisor, and which is as follows:

In the matter of the account of John I. Davenport, as chief supervisor of elections southern district of New York, for services rendered and expenses incurred at the election held on the 5th day of November, 1872, at which representatives in Congress were chosen.

*The United States to John I. Davenport, chief supervisor of elections.*

For services:

To filling 2,141 applications for appointment as United States supervisors, at ten cents each	\$214 10
To administering 3,888 oaths to supervisors and deputy marshals, at ten cents each	388 80
To filling 3,888 oaths of supervisors and marshals, at ten cents each	388 80
To filling 3,505 registry and verification books, at ten cents each	350 50
To filling 951 reports of examination of houses and voters and reports of supervisors, at ten cents each	95 10
To filling 924 commissions of supervisors, at ten cents each	92 40
To filling 2,590 returns of the canvass, at ten cents each	259 00
To indexing 79,995 folios of records of my office, at fifteen cents per folio	11,999 15
	<b>\$13,787 85</b>

For expenses:

To bill of J. X. Browne, as annexed	4,842 50
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Total services and expenses..... **\$18,630 35**

In addition to the above is Marshal Sharpe's account furnished for the same election, which account was paid upon the written order of the President, under the provision of the law approved August 31, 1852.

The account amounts to \$15,132.20, one item of which is \$1,991.50 for carriages; another for \$440 rent of rooms at Fifth Avenue Hotel for chief supervisor of elections (Davenport) as headquarters, which rooms were adjoining the rooms of the Republican State Committee at Fifth Avenue Hotel, as shown by Davenport's testimony (see page 146).

THE MARSHAL'S BILL PAID BY ORDER OF GRANT.

The bill of Marshal Sharpe for the pay of their deputy marshals was not taxed by the Circuit Court nor allowed by the First Comptroller of the Treasury Department, whereupon the President, General Grant, directed it to be paid.

*The United States of America to George H. Sharpe, United States marshal for the southern district of New York, Dr.*

For the payment of extraordinary expenses incurred in executing the laws of Congress entitled, "An Act to enforce the right of citizens of the United States to vote in the several states of this Union, and for other purposes," approved May 31, 1870, and also the law entitled "An Act to



amend the naturalization laws, and to punish crimes against the same, and for other purposes," approved July 14, 1870, at the election held for representative in Congress, November 8, 1870.	
For the compensation of deputy marshals in the fourth, fifth, sixth, seventh, eighth and ninth Congressional districts or the state of New York, as per rolls of the several districts comprising the same, as follows, namely :	
For the compensation of deputy marshals in the first assembly district, as per roll annexed, voucher No. 1.....	\$4,500 00
For the compensation of deputy marshals in the second assembly district, as per roll annexed, voucher No. 2.....	3,510 00
For the compensation of deputy marshals in the third assembly district, as per roll annexed, voucher No. 3.....	2,400 00
For the compensation of deputy marshals in the fourth assembly district, as per roll annexed, voucher No. 4.....	2,100 00
For the compensation of deputy marshals in the fifth assembly district, as per roll annexed, voucher No. 5.....	4,015 00
For the compensation of deputy marshals in the sixth assembly district, as per roll annexed, voucher No. 6.....	1,355 00
For the compensation of deputy marshals in the seventh assembly district, as per roll annexed, voucher No. 7.....	1,320 00
For the compensation of deputy marshals in the eighth assembly district, as per roll annexed, voucher No. 8.....	3,150 00
For the compensation of deputy marshals in the ninth assembly district, as per roll annexed, voucher No. 9.....	3,505 00
For the compensation of deputy marshals in the tenth assembly district, as per roll annexed, voucher No. 10.....	1,230 00
For the compensation of deputy marshals in the eleventh assembly district, as per roll annexed, voucher No. 11.....	1,155 00
For the compensation of deputy marshals in the twelfth Assembly district, as per roll annexed, voucher No. 12.....	2,570 00
For the compensation of deputy marshals in the thirteenth assembly district, as per roll annexed, voucher No. 13.....	2,740 00
For the compensation of deputy marshals in the fourteenth assembly district, as per roll annexed, voucher No. 14.....	1,765 00
For the compensation of deputy marshals in the fifteenth assembly district, as per roll annexed, voucher No. 15.....	1,225 00
For the compensation of deputy marshals in the sixteenth assembly district, as per roll annexed, voucher No. 16.....	1,635 00
For the compensation of deputy marshals in the seventeenth assembly district, as per roll annexed, voucher No. 17.....	1,820 00
For the compensation of deputy marshals in the eighteenth assembly district, as per roll annexed, voucher No. 18.....	1,690 00
For the compensation of deputy marshals in the nineteenth assembly district, as per roll annexed, voucher No. 19.....	510 00
For the compensation of deputy marshals in the twentieth assembly district, as per roll annexed, voucher No. 20.....	1,765 00
For the compensation of deputy marshals in the twenty-first assembly district, as per roll annexed, voucher No. 21.....	1,585 00
For the compensation of deputy marshals and special deputies at the headquarters of the United States marshal during the same election, for the safe-keeping and conveyance of prisoners, as per roll annexed, voucher No. 22.....	420 00
For the compensation of deputy marshals and special deputies in the several assembly districts above named, whose names were transferred from the rolls above stated, as noted thereon, to roll No. 23 hereto annexed (see affidavit annexed to roll 23, voucher No. 23,.....	2,015 00
For the compensation of deputy marshals and special deputies in the several assembly districts above named, whose names appear on pay roll and voucher No. 24, hereto annexed, the same being authorized by letter of the attorney-general, dated January, 1871, a copy of which is hereto annexed, voucher No. 24.....	805 00
For the special and extraordinary expenses incurred and paid by me, in and about the execution of said laws at said election, as per statement and vouchers hereto annexed, marked Exhibit A.....	1,962 48
For the special and extraordinary services of John Sedgwick, Esq., as special counsel for the United States marshal and deputy marshals, as per voucher annexed (withdrawn by marshal).....	3,500 00
Total.....	53,337 00

Payment of the within account allowed under the special taxation of the Circuit Court of the United States for the southern district of New York, in which district the services were rendered, and is to be paid from the appropriation for defraying the expenses of the judiciary.

An advance of an amount sufficient to pay the same is authorized.

U. S. GRANT.

EXECUTIVE MANSION, December 21, 1870.

In addition to the above the following account was allowed and paid :

<i>The United States to George L. Sharpe, United States marshal southern district of New York, Dr.</i>	
Moneys paid out during the election for representatives in Congress, November 8, 1870, under the acts of Congress relating to elections, severally approved May 31, 1870, and July 14, 1870.	
To carriages for conveyance of prisoners to this office on arrest, and from this office to county jail, as per voucher annexed.....	\$18 00
To bills of Western Union Telegraph Company for the erection of four special offices and connections with their city lines ; and for messages sent and received, on day of election, as per voucher annexed.....	336 98

To bill of M. O. Sullivan, special clerk, for making and copying lists of commissions, filing up commissions, correcting lists from time to time as changes were made, rendered necessary by refusals to act, removals, and resignations, and filling out new commissions therefor, as per voucher annexed.....	50 00
To bill of expenses of the United States marshal, George H. Sharpe, in proceeding to Washington and back twice on business connected with the election, as per voucher annexed.....	52 00
To bill for badges of chief deputy marshals, as per voucher annexed.....	44 00
To bill for badges of deputy marshals, as per voucher annexed.....	1,250 00
To bill of printer, G. B. Tripp, for commissions for supervisors of election; for commissions of deputy marshals, for acts of Congress, for instructions to supervisors and deputy marshals, as per voucher annexed.....	363 50
Total.....	2,014 48
Deduct items No. 4 above—not taxed.....	52 00
Total amount of voucher.....	1,962 48

The total amount paid in 1872 for New York City was as follows :

Amount paid deputy marshals on district rolls.....	\$50,500 00
Amount paid deputy marshals on supplementary rolls.....	7,155 00
Amount paid supervisors of elections on district rolls.....	23,885 00
Amount paid deputy marshals on headquarters rolls.....	3,925 00
Total.....	85,555 00
To extraordinary expenses incurred in enforcing the acts of Congress in relation to elections at the election held in the city of New York on the 5th of November, 1872.....	33,434 36
Total.....	\$118,989 36

In 1876 there was expended in the same way for New York city \$94,587.96. Of this Davenport received \$19,383.36.

In 1878 the amount paid the chief supervisor Davenport was not reported to Congress, but there was paid to supervisors and deputy marshals for that year in New York City \$57,000. In 1876 Davenport was paid \$19,383.36. He was not paid a less amount in 1878.

#### NO NECESSITY FOR FEDERAL ELECTION LAWS.

As to the necessity for all this expenditure of money in New York City Mr. Samuel J. Glassey, who was employed by the Union League Club in 1868 to work up the frauds of 1868, a good Republican, testified as follows :

Q. What do you say of the necessity of Federal interference in elections here in this city and the considerable expenditure of public money in that respect at the present time? A. Keeping in view the laws of the state now in force.

By Mr. Cochran : Q. And which have been in force how long? A. Since 1873. I regard any action on the part of the United States as wholly unnecessary.

By Mr. Meade : Q. An expenditure therefore unnecessary? A. A dead waste of public money, and also objectionable as affording an opportunity to the person who happens to hold the office of chief supervisor to distribute a great deal of patronage among the most dangerous and worthless class in the community, the lower breed of politicians.

Q. Right there, won't you illustrate the practical operation of it in local politics of employing these marshals? A. In a city like this there are always hundreds of men who have hardly any regular employment, who are chronic seekers of small offices, hangers-on to the politicians of all grades and stripes. About the time of election they make a little money by doing miscellaneous work for the candidates. It is from that class of men that these supervisors and marshals, especially the marshals, are most likely to be selected. Their pay is a per diem fixed by law, and for as many days, not exceeding ten, as the marshal and chief supervisor may choose to certify.

Q. Might not such a power vested in the marshal be used, in the hands of an improper man, for purposes of corruption? A. Unquestionably. The duties of a deputy marshal are purely nominal. They have no authority except to keep the peace and see that the supervisors are not interfered with in the discharge of their duties. Except under such exceptional circumstances as existed in 1870, there has not been the slightest danger of the breach of the peace; and, besides that, the municipal police, which is a regularly organized and well-disciplined force, is there for that special purpose, and under ordinary circumstances, there is no reason to doubt the fairness and efficiency of their action. If there should be a contest between the state and national authorities, ten policemen would be worth fifty marshals. In other words, I regard the marshals, selected as they are and as they must be, as purely useless.

The Democratic majority in Congress, in view of the occurrences of 1876 and in previous years, and respecting the demand made by a majority of the people of the United States, determined to repeal the obnoxious features of the laws we have quoted. We will take up these laws in the order in which we have quoted them



## TROOPS AT THE POLLS.

*First.* Section 2002 Revised Statutes. This section, as we have shown, was intended to prevent the interference of the military at the polls. It was, nevertheless, the pretext of authority for all the lawless invasions of the rights of the people of which Grant's administration was guilty in the employment of troops to control elections.

## THE TROOPS AT A NEW YORK ELECTION.

At the Congressional election of 1870, the military and naval forces of the United States were threatened to be used, and were prepared for use in the city of New York, *vide* the following:

## BELKNAP'S ORDER.

[Official.]

WAR DEPARTMENT,  
Washington City, Oct. 27, 1870. }

*Sir:* In view of the apprehension that there may be possible opposition made to the United States laws in connection with the coming election in the city of New York, November 8, 1870, the President directs that you instruct Brigadier-General McDowell, commanding the Department of the East, to hold the troops in that vicinity in readiness for service during a week, if necessary, to protect and assist the civil officers of the United States in their duty of enforcing the laws. The engineer troops and all others in the harbor of New York and vicinity will, for the occasion, be at his command. You will instruct General McDowell to confer fully beforehand with the United States Marshal and the United States District Attorney, to concert with them proper measures, and to promptly respond to any call made upon him for troops by the marshal during the week of the election, ordering them in such numbers and to such points in the city as the marshal may signify.

The President hopes that the use of the United States troops for the purpose indicated will never be required, but the law must be enforced, and he therefore expects General McDowell and the officers and troops under his command, while using the utmost discretion, to take care that the purposes of the government to enforce the law is fully carried out; but in the performance of this duty they are only effectually to execute the measures indicated to them by the authorized civil officers of the United States.

I am, sir, very respectfully, your obedient servant,

WM. W. BELKNAP, Secretary of War.

CHAUNCEY MCKEEVER, Assistant Adjutant-General.

General W. T. SHERMAN,  
United States Army, Washington. D. C.

## BY COMMAND OF BRIGADIER-GENERAL M'DOWELL.

[Special Orders, No. 229.]

HEADQUARTERS OF THE DEPARTMENT OF THE EAST,  
New York City, November 5, 1870. }

1. The available officers and two hundred non-commissioned officers and privates of the engineer troops at Willett's Point, New York Harbor, will come to the headquarters building in this city, on next Monday evening, November 7, so as to arrive at 10 P. M., prepared for armed service, and remain at least till Wednesday morning. They will come in a steamboat, which the quartermaster's department will send for them, and will be landed at the foot of Spring street (Pier No. 43 North river), and march thence and take the station which may be shown them by the district quartermaster. They will bring a day's cooked rations. Facilities will be afforded in the building for making hot coffee.

2. All the available officers and the men of the Eighth Infantry will be brought to the city on Monday the 7th instant, to arrive about 10 o'clock P. M. They will come prepared for armed service, with their overcoats and blankets, to remain at least till Wednesday morning the 9th instant. The colonel, with five companies will take post in building No. 161 Avenue B, near the northeast corner of Tompkins square, and the lieutenant-colonel, with five companies, will take post in buildings Nos. 322, 324, and 326 East Forty-fifth street, between First and Second avenues.

3. The available officers and men of the companies of the First Artillery at Forts Hamilton, Wadsworth, and Wood, under Colonel Vogdes or the senior officer, will come to the city on Monday evening, the 7th instant, to arrive by about 10 P. M., prepared for armed service, and to remain at least till Wednesday morning. They will take post at building No. 294 Broadway, near the corner of Reade street, and will land at the wharf most convenient for their reaching that point. They will bring with them a day's cooked rations and their camp-kettles for making coffee. The district quartermaster will furnish drays to carry their effects from the steamboat.

4. The troops above indicated, and the Fifth Artillery from Fort Trumbull and Fort Adams, are to be brought here to aid the United States civil officers in the execution of their duty in enforcing the United States laws; and it cannot be too strongly impressed on them that the duty they have to perform is one of exceeding delicacy and of the highest importance, and that it may depend largely on their fidelity and good conduct that peace is maintained. They will be held for service at literally a moment's notice; and from the time of their arrival not a man will be allowed to leave the building on any account, or for any purpose whatever, unless under a commissioned officer.

5. Commanders of the stations above named will, immediately on their arrival, send a report of the fact to department headquarters.

By command of Brigadier-General McDowell.

ROBERT C. PERRY, Acting Assistant Adjutant-General.

## THE TRIBUNE'S ACCOUNT OF THE COMING OF TROOPS.

The New York *Tribune*, Nov. 9, 1870, says:

The troops came on Monday night (the night before the election) and disembarked silently to their several quarters. During the day perfect order reigned. The headquarters of the department, at the corner of Houston and Greene streets, presented a quiet appearance. The stairways, however, leading to the two upper stories of the building, were packed with troops. The engineer department from Willett's Point, numbering three hundred men, with companies H and I of the Fifth United States Artillery from Fort Trumbull, New London, Connecticut, all under command of Col. Kiddoe, were quartered in the halls and on the stairs. Their arms were stacked, and the men were scattered around on benches and on the floor, or stood in groups engaged in conversation. All were armed with the latest improved needle-gun, and furnished with forty rounds of ammunition, with one hundred rounds a man in reserve.

At pier No. 27 North River, companies A, B, and L, of the Fifth United States Artillery, from Fort Adams, Newport, were quartered on the steamer *Metis*. In addition to these was Dupont's Light Battery of four guns. No one was allowed to leave the boat or to enter without a pass. The men were in the lower part of the boat and the officers were in the cabin under Col. Hunt.

Companies B, C, D, H, and M, of the First United States Artillery, Col. Vogdes, from Forts Hamilton and Wadsworth, New York Harbor, were stationed in the three upper stories of No. 294 Broadway.

At No. 161 Avenue B, near Tompkins square, there were stationed the first five companies of the Eighth Infantry, Colonel Bomford in command. This regiment came from David's Island, and was armed with the needle-gun. They were quartered in the hall over a lager beer saloon, and company A was kept under arms ready for marching orders. The remaining five companies of the regiment were on Forty-fifth street, between First and Second avenues, in the large room of a brewery. Guards were, as in all cases, stationed at the top and bottom of the stairs, and all who applied for entrance were taken under guard before Colonel Edie. Long rows of stacked arms extended the whole length of the hall. An ample supply of ammunition was brought to the place, amounting in the aggregate to one hundred and forty rounds for each man.

The *Tribune* goes on to say:

In the river and harbor, the frigates *Guerriere* and *Narragansett* were at anchor at the foot of Chambers street, North River, and Wall street, East River, respectively. The port-holes were all closed, however, and every appearance of warlike preparation on board was avoided. None other than the troops regularly stationed there were on Governor's Island.

## GOVERNOR HOFFMAN'S ELOQUENT PROTEST.

The Democratic governor of New York, Mr. Hoffman, at the meeting of the legislature in January following, in his message, speaking of this outrageous violation of law, said:

Since the adjournment of the legislature, the Federal government has assumed to interfere directly, by its officers and armed forces, with elections in this state. The pretext was fear that the right of suffrage would, in some way, be denied to the class of persons upon whom it had been conferred by the fifteenth amendment to the Constitution of the United States. It was a mere pretext; for our state legislature at its last session promptly altered our election laws to conform with that amendment so soon as it was declared adopted. Moreover, this class of voters had exercised their new right freely and without the least molestation at our state election, which took place in May last.

Congress, nevertheless, enacted a law for the ostensible purpose of supervising the election of Congressmen only; and the President was authorized to employ the army and navy to enforce certain of its provisions. Under color of this act, the President and other United States officials claimed the right to supervise the entire election, not only for representatives in Congress, but for state and local officers. In the city of New York, special preparations were made to enforce this claim. A large number of United States deputy marshals and supervisors were appointed, many of whom were men of well known disreputable characters, and some of whom had been convicted criminals; a class of dangerous men never before chosen by any ruling authority, in any community, as conservators of the peace. They were instructed, under advice of the Attorney-General of the United States, to submit to no interference from any quarter under state or municipal authority. Orders were issued which authorized them, in the discretion of each one of them, to arrest at the polls, citizens claiming the right to vote, as well as the inspectors who were charged by law with the custody of the ballot-boxes. These arrests were to be effected without process of law issued upon formal complaints.

Then telling what steps he had taken with the best organized regiments of New York, to guard all the rights of every citizen, he said:

Notwithstanding all this, by the President's orders, United States troops were brought from distant posts and quartered in the city of New York, and ships of war were anchored in its harbor. It was certainly not unreasonable to expect that the first drop of citizens' blood shed in the city of New York by Federal troops in time of peace, might lead to terrible results, involving great loss of life and incalculable destruction of property.

At the last moment, that is to say, the afternoon immediately before the election, the officers of the United States fortunately and wisely abandoned the extreme ground they had taken, and entered into a stipulation with the local authorities of New York City in my presence, which resulted in preventing any armed interference by troops, either of the United States or of the state.

To depend for the peace and order of localities on the Federal army is not self-government; to substitute the regular soldier with his musket as a peace officer in place of the constable with his writ, is not to preserve the peace, but to establish the condition of war; to surrender elections to



the control of the President, supported by armed forces, is to surrender liberty and to abandon a republic.

#### TROOPS IN PENNSYLVANIA AND GOVERNOR GEARY'S PROTEST.

In the preceding year, 1869, when an election for governor and state officers alone, was to be held in the state of Pennsylvania, an armed body of marines were brought to the polls in the third precinct of the fifth ward of Philadelphia. This armed body of Federal troops took possession of the polls and kept them closed for an hour, and when they did allow the election to proceed they exercised the right to allow or disallow citizens to vote.

In commenting upon this extraordinary and outrageous interference of the Federal soldiery, Gen. John W. Geary, the Republican governor of Pennsylvania, in his next annual message to the legislature of that state, said:

The employment of United States troops at elections, without the consent of the local and state governments, has recently received considerable attention and reprehension. It is regarded as an interference with the sovereign rights of the states which was not contemplated by the founders of the general government, and if persisted in must lead to results disastrous to peace and harmony. The practice is one so serious in its character, and so injurious in its tendencies, as to merit prompt consideration and decisive action, not only by the General Assembly, but by Congress. One of the complaints of the colonists against the British king was the oppression growing out of the assumption of this power. They said: "He has kept among us in times of peace, standing armies without the consent of our legislatures," and what is especially pertinent to the case in point, "he has affected to render the military independent of, and superior to the civil power." The alleged authority for the use of troops at our state elections is derived from the tenth section of an Act of Congress, approved May 31, 1870, entitled, "An Act to enforce the right of citizens of the United States to vote in the several states of the Union, and for other purposes," which authorizes United States marshals to call to their assistance "such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States." But it must be a forced construction of this law that will justify the presence of armed national forces at our places of election when no necessity exists therefor, and where their presence is calculated to provoke collision. With a good President, the exercise of the power referred to might have no injurious results, but in the hands of a bad man, governed by personal ambition, it might prove exceedingly calamitous. Unconsciously, a good President might be induced to employ it wrongfully; a bad one would be almost certain to use it for his own advancement. Under any circumstances, in my opinion, it is unsafe and antagonistic to the principles that should govern our Republican institutions. At the last October election United States troops were stationed in Philadelphia for the avowed purpose of enforcing the election laws. This was done without the consent, or even the knowledge of the civil authorities of either the city or the state, and without any expressed desire on the part of the citizens, and, as far as can be ascertained, without existing necessity. From a conscientious conviction of its importance, I have called your attention to this subject. A neglect to have done so might have been construed as an indorsement of a measure that meets my unqualified disapproval. The civil authorities of Pennsylvania have always been, and are still, competent to protect its citizens in the exercise of their elective franchise, and the proper and only time for the United States military forces to intervene would be when the power of the commonwealth is exhausted, and their aid is lawfully required.

Brightly, in his Digest of American Election Cases, an eminent and impartial legal authority, says:

Perhaps there is no better proof of the extent to which the principles of civil and political liberty have passed from the remembrance of the American people, than the fact recorded in the daily newspapers, without comment, that at the municipal election of the city of Charleston, held on the 2d of August, 1871, six years after the close of the civil war, a body of Federal troops was stationed at each precinct, to prevent violence. And this without shadow of authority, and without its exciting the slightest emotion in the citizens of what is claimed to be a free country.

#### THE USE OF TROOPS IN VIRGINIA DEFENDED BY GRANT.

The troops of the United States were sent to Petersburg, Virginia, in November, 1876, to control the elections. They performed the work of intimidating voters. Gen. Grant, in his special message to Congress, December 14, 1876, advocated and defended the right of the Executive to thus employ the military arm of the Federal government. He said:

These inclosures will give all the information called for by the resolution, and I confidently believe will justify the action taken. It is well understood that the presence of United States troops at polling places never prevented the free exercise of the franchise by any citizen, of whatever political faith. If, then, they have had any effect whatever upon the ballot cast, it has been to insure protection to the citizen casting it in giving it to the candidate of his unbiased choice without fear, and thus securing the very essence of liberty. It may be the presence of twenty-four United States soldiers under the command of a captain and lieutenant, quartered in the custom-house at Petersburg, Virginia, on the 7th of November, at a considerable distance from any polling place, without any interference on their part whatever, and without going near the polls during the election, may have secured a different result from what would have been obtained if they had not

*been there (to maintain the peace in case of riot) on the face of the returns.* But if such is the case, it is only proof that in this one congressional district in the state of Virginia the legal and constitutional voters have been able to return as elected the candidates of their choice.

U. S. GRANT.

EXECUTIVE MANSION, December 14, 1876.

#### ORDER OF GENERAL SHERMAN, DATED DECEMBER 11, 1876.

To a more complete understanding of the case, I will add that on the 2d of November a gentleman came to me from the Attorney-General, representing that there was reason to apprehend a breach of the peace at Petersburg, Virginia, and asking a detachment of troops to be sent there. You being then absent, I saw Judge Taft in person, and he advised that a company of soldiers be sent to Petersburg, if practicable; and the next day, being in New York city, I saw General Hancock in person, and after some inquiries as to the troops available, I ordered him to send the above-designated company to Petersburg, to remain during the election of November 7, and then return to its post.

I inclose a copy of his orders; also copies of General Orders Nos. 85 and 96, which include all the orders and instructions made to troops serving in districts where disturbances were apprehended.

I have the honor to be, your obedient servant,

W. T. SHERMAN, General.

Hon. J. D. CAMERON, Secretary of War.

#### HOW THE TROOPS WERE EMPLOYED.

How the United States troops were for years used to control elections in Louisiana, South Carolina, Florida, Georgia, Alabama, Mississippi and every other Southern state, everybody knows. In the state of Georgia a Federal army officer, acting under orders from Washington invaded her legislative halls and turned out nineteen duly elected representatives, and set up and maintained by Federal bayonets a railroad official as Speaker of the Georgia House of Representatives. In 1872 the Attorney-General of the United States sent the following telegram to the United States marshal at New Orleans :

DEPARTMENT OF JUSTICE, December 3, 1872.

S. B. PACKARD, Esq., United States Marshal, New Orleans, Louisiana.

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS, Attorney-General.

The people of Louisiana had elected a Conservative Republican Governor and Legislature. The Federal officials were determined to nullify the will of the people and install as Governor Wm. Pitt Kellogg and a Radical Legislature. To do this it was necessary to obtain an illegal order from the Judge of the United States District court. An infamous creature named Durell issued that order at his boarding house at midnight, and it will be known through all coming time as Durell's infamous midnight order. The Senate Committee on Privileges and Elections subsequently inquired into all these proceedings in connection with the election of a United States Senator. The majority of the committee in this report, which was signed by Senators Carpenter, Anthony and Alcorn, all Republicans, say of Durell's order :

It is impossible to conceive of a more irregular, illegal and in every way inexcusable act on the part of the Judge conceding the power of the court to make such an order. *The Judge out of court* had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

#### WHAT FOLLOWED THE INFAMOUS ORDER.

Yet upon this order the United States troops ordered from Pensacola Bay, Florida, reached New Orleans just after it was issued, and acting under the orders of the marshal took possession of the State House and set up and maintained the Kellogg government. The order of Attorney-General Williams above quoted was the authority of the marshal for this high handed and illegal act. The troops from Florida were ordered to New Orleans before, showing that there was concert between the Federal administration in Washington and the conspirators against free government in Louisiana. Judge Trumbull, of Illinois, a member of



the Senate Committee on Privileges and Elections, in his report said of these proceedings :

This dispatch, so far as the evidence shows, was not responsive to any call for troops, there had been no resistance to any process of the United States courts, nor does it appear that any was threatened. R. H. Jackson, a captain in the First Artillery, United States Army, testified that he went to New Orleans on the night of December 5 with two batteries of his regiment and eighty-six men.

The same night, December 5, between nine and eleven o'clock, Judge Durell, at his private lodgings, issued his order which, for want of jurisdiction, was void, and entitled to no respect from anybody, directing the United States marshal forthwith to take possession of the State-House, to hold the same until the further order of the court, and prevent all unlawful assemblage of persons therein, having reference to the persons returned as elected to the legislature according to the official returns. Captain Jackson testifies that he took possession of the State-House at about two o'clock in the morning of the 6th, with instructions to take and hold it under the direction of the United States marshal and to act in obedience to his orders. He further testified that he was not stationed in the State-House to prevent riots, but to hold the building, and that if a riot had occurred in front of the building he would not have interfered. He posted two soldiers at the entrance door, who guarded it with crossed bayonets, and suffered no one to enter the building except by permission of the United States marshal, one of whose deputies was at all times present. These troops continued to occupy the State-House for more than six weeks, until January 21, and it is manifest, from the whole testimony, that they were not there to preserve the peace but to carry out the illegal orders of Judge Durell, and prevent the legally elected members of the legislature from assembling and organizing.

In South Carolina, in 1876, the troops of the United States were stationed at SIXTY-SIX different polling places and openly employed to intimidate both white and black electors. These troops were sent there without the state legislature having been convened, or attempted to be convened, as the Constitution requires to be done before the governor is authorized to ask the President for troops. They were sent also at a time when every judge in South Carolina, all Republicans except one, had certified that the state was in peace and quiet, and in ready obedience to the civil processes of the law.

#### THE CROWNING ACT OF INFAMY,

in all this series of infamous acts, was the bringing of and the quartering of United States troops in the city of Washington, in December, 1876, for the avowed purpose of overawing and intimidating the Democratic majority in the House of Representatives, and to enforce the right of the President of the Senate to count the electoral vote, register the fraudulent counts of the returning Boards, and complete the work of fraud and force. On December 10, 1876, Grant, in conversation with an Associated Press reporter, said : "There are SIX HUNDRED or EIGHT HUNDRED troops in Washington. If there should be any necessity for more, I will order them hither." The report of the War Department, July 10, 1876, shows there were no soldiers in Washington. The same authority, January 9, 1877, shows that there were 771 soldiers at the Washington Arsenal. At the same date there were 1,466 in South Carolina and 1,391 in Louisiana.

#### DANIEL WEBSTER ON THE USE OF TROOPS.

The employment of the military power for such purposes has been condemned by all the eminent statesmen of the republic. We will only quote from other than Democratic sources. Daniel Webster, in his Bunker Hill oration, said :

Quite too frequent resort is made to military force ; and quite too much of the substance of the people is consumed in maintaining armies, not for defence against foreign aggression, but for enforcing obedience to domestic authority. Standing armies are the oppressive instruments for governing the people in the hands of hereditary and arbitrary monarchs. A military republic, a government founded on mock elections and supported only by the sword, is a movement indeed, but a retrograde and disastrous movement, from the regular and old-fashioned monarchical systems. If men would enjoy the blessings of republican government they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiescence of the minority in the will of the majority, properly expressed ; and, above all, the military must be kept, according to the language of our bill of rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practiced there can be no political freedom. Absurd, preposterous is it, a scoff and a satire on free forms of constitutional liberty, for frames of government to be prescribed by military leaders, and the right of suffrage to be exercised at the point of the sword.— *Works of Daniel Webster*, volume 1, pages 98 and 99.

## MR. EVARTS' ELOQUENT PROTEST.

The present Secretary of State, Hon. Wm. M. Evarts, speaking to the citizens of New York City, on the occasion of an indignation meeting held to condemn the illegal interference of the United States troops, commanded by General De Trobriand, acting under the order of General Grant, in January, 1875, in turning out the legally elected legislature of Louisiana at the point of the bayonet, said:

I must confess that the news that came from Louisiana a few days ago has profoundly alarmed me. A thing has happened which has never happened in this country before, and which nobody, I trust, ever thought possible.

When the legislature convened—and I repeat, it convened according to law, at the time and in the place fixed by law, called to order by the very officer designated by law—those persons were claimants for seats on the ground of the votes they had; some of them presenting claims so strong on the ground of majorities so large that even such a returning board as Louisiana had did not dare to decide against them; and when they had been seated in the legislature organized as I have described, United States soldiers with fixed bayonets decided the case against them and took them out of the legislative hall by force. When that had been done the conservative members left that hall in a body with a solemn protest. The United States soldiery kept possession of it; and then, under their protection, the Republicans organized the legislature to suit themselves.

There is another thing which especially the American people hold sacred as the life element of their republican freedom. It is the right to govern and administer their local affairs independently, through the exercise of that self-government which lives and has its being in the organism of the states; and, therefore, we find in the Constitution of the Republic the power of the National government to interfere in state affairs most scrupulously limited to well-defined cases and the observance of certain strictly prescribed forms; and if these limitations be arbitrarily disregarded by the national authority, and if such violation be permitted by the Congress of the United States, we shall surely have reason to say that our system of republican government is in danger.

I cannot, therefore, escape from the deliberate conviction, a conviction *conscientiously* formed, that the deed done on the 4th of January, in the State-House of the state of Louisiana, by the military forces of the United States constitutes a gross and manifest violation of the Constitution and the laws of this Republic. We have an act before us indicating a spirit in our government which either ignores the Constitution and the laws or so interprets them that they cease to be the safeguard of the independence of legislation and the rights and liberties of our people. And that spirit shows itself in a shape more alarming still in the instrument the Executive has chosen to execute his behests.

On all sides you can hear the question asked, "If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and in Ohio? How long before the constitutional rights of all the states and the self-government of all the people may be trampled under foot? How long before a general in the army may sit in the chair you occupy, sir, to decide contested election cases for the purpose of manufacturing a majority in the Senate? How long before a soldier may stalk into the national House of Representatives, and, pointing to the Speaker's mace, say, 'take away that bauble?'"

## HOW TO PRESERVE OUR LIBERTIES.

And now the culminating glory to-day—I do not know whether it will be the culminating glory to-morrow; Federal soldiers, with fixed bayonets, marching into the legislative halls of a state, and invading the legislature assembled in the place, and at the time fixed by law, dragging out of the body, by force, men universally recognized as claimants for membership, and having been seated; soldiers deciding contested-election cases and organizing a legislative body; the lieutenant-general suggesting to the President to outlaw by proclamation a numerous class of people by the wholesale that he may try them by drumhead court-martial, and then the Secretary of War informing the lieutenant-general by telegraph that "all of us," the whole government, have full confidence in his judgment and wisdom. And, after all this, the whites of the South gradually driven to look upon the national government as their implacable and unscrupulous enemy, and the people of the whole country full of alarm and anxiety about the safety of republican institutions and the rights of every man in the land.

He who in a place like ours fails to stop or even justifies a blow at the fundamental laws of the land, makes himself the accomplice of those who strike at the life of the Republic and the liberties of the people.

If you really think that the peace and order of society in this country can no longer be maintained through the self-government of the people under the Constitution and the impartial enforcement of constitutional laws; if you really think that this old machinery of free government can no longer be trusted with its most important functions, and that such transgressions on the part of those in power as now pass before us are right and necessary for the public welfare, then, gentlemen, admit that the government of the people, for the people, and by the people, is a miscarriage. Admit that the hundredth anniversary of this Republic must be the confession of its failure, and make up your minds to change the form as well as the nature of our institutions; for to play at republic longer would then be a cruel mockery. But I entreat you do not delude yourselves and others with the thought that by following the fatal road upon which we are now marching you can still preserve those institutions; for I tell you, and the history of struggling mankind bears me out, where the terms of constitutional government can be violated with impunity, there the spirit of constitutional government will soon be dead.

## CARL SCHURZ ON THE USE OF TROOPS.

The present Secretary of the Interior, speaking of these things in the South and elsewhere, said:



United States soldiers, with fixed bayonets, decided the case against them, and took them out of the legislative hall by force. \* \* \* I cannot, therefore, escape from the deliberate conviction—a conviction conscientiously formed—that the deed done on the 4th of January, in the State-House of Louisiana, by the military forces of the United States, constitutes a gross and manifest violation of the Constitution and laws of this Republic. \* \* \* If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and Ohio?

He who, in a place like ours, fails to stop, or even justifies a blow at the fundamental laws of the land, makes himself the accomplice of those who strike at the life of the Republic and at the liberties of the people.

#### JUDGE M'CREARY ON TROOPS AT THE POLLS.

Hon. George W. McCreary, late Secretary of War, and recently appointed United States Judge, in his book on Contested Elections, says:

There can, however, be no doubt but that the law looks with great disfavor upon anything like an interference by the military with the freedom of an election. An armed force in the neighborhood of the polls is almost of necessity a menace to the voters and an interference with their freedom and independence, and if such armed force be in the hands of or under the control of the partisan friends of any particular candidate, the probability of improper influence becomes still stronger.

#### THE ENGLISH LAW.

Blackstone, the most eminent of English authorities in his commentaries says :

And as it is essential to the very being of Parliament that elections should be absolutely free, therefore all undue influences upon the electors are illegal and strongly prohibited. \* \* \* As soon, therefore, as the time and place of election, either in counties or boroughs, are fixed, all soldiers quartered in the place are to remove at least one day before the election to the distance of two miles or more ; and not to return till one day after the election is ended.

#### OTHER EMINENT AUTHORITIES.

Dr. Lieber, in his work on civil liberty and self-government, in speaking of elections, says :

It is especially necessary that the army be in abeyance, as it were, with reference to all subjects and movements appertaining to the question at issue. The English law requires the removal of the garrison from every place where common election for Parliament is going on. Much more necessary is the total neutrality of the army in an election of the sort of which we now treat.

Judge Cooley, in his work on Constitutional limitations, under the title of the "Freedom of Elections," on page 614 says :

And with a just sense of the danger of military interference where a trust is to be exercised, the highest as well as the most delicate in the whole machinery of the government, it has not been thought unwise to prohibit the militia being called out on election days, even though for no other purpose than for enrolling and organizing them.

The ordinary police is the peace force of the state, and its presence suggests order, individual safety, and public security ; but when the militia appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary, and there is always an appearance of threatening and dangerous compulsion which might easily interfere seriously with that calm and unimpassioned discharge of the elector's duty which the law so justly favors. The soldier in organized ranks can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy, against whom he may be compelled to exercise the most extreme and destructive force, and that enemy must generally be the party out of power, while the authority that commands the force directed against them will be the executive power of the state for the time being wielded by their opponents.

#### SENATOR SEWARD ON THE USE OF MILITARY.

Mr. William H. Seward, from his place in the Senate of the United States in discussing the Kansas troubles in 1856, declared that—

The time was, and that not long ago, when a proposition to employ the standing army of the United States as a domestic police would have been universally denounced as a premature revelation of a plot, darkly contrived in the chambers of conspiracy, to subvert the liberties of the people and to overthrow the Republic itself.

\* \* \* *Civil liberty and a standing army for the purpose of civil police have never yet stood together, and never can stand together.* If I am to choose, sir, between upholding laws in any part of this Republic which cannot be maintained without a standing army, or relinquishing the laws themselves, I give up the laws at once, by whomsoever they are made and by whatever authority; for either our system of government is radically wrong, or such laws are unjust, unequal, and pernicious.

\* \* \* If the founders of the Constitution had been told that within seventy years from the day on which they laid its solid foundation and raised its majestic columns a standing army would have been found necessary and indispensable merely to execute municipal laws, they would have turned shuddering away from the massive despotism which they had erected.

#### HIGH MILITARY AUTHORITY.

Captain O'Brien, (who distinguished himself as a soldier at Buena Vista, Mexico), in his very able work on "American Military Law," in his chapter (2) on "restraints of executive," says :

Congress may declare when and for what objects the army is to be used, and for what purposes it may not be used, and thus chart out accurately the limits of executive power. And even within these limits the action of the Executive, indirectly but absolutely, depends on the concurrence of Congress, which must appropriate funds for the purpose before even a corporal's guard can be moved.

#### REPUBLICAN INCONSISTENCY.

The Democrats in Congress proposed to strike out of section 2002 Revised Statutes the words, "or to keep the peace at the polls." They proposed to do this by placing the repealing clause on the Army Appropriation Bill. Thereupon the Republican leaders in Congress set up the cry that this was revolutionary to enact general legislation on appropriation bills. They all at once saw in "riders" upon appropriation bills a dreadful evil, although in the course of a few years preceding the Republican majority in Congress, had enacted general legislation upon many bills, to the extent of 387 different provisions of law. Every prominent member of the party who had ever served in a Republican Congress, from Mr. Hayes down have not only advocated, but voted for these riders on appropriation bills. Moreover, Secretary of State Evarts had declared upon a memorable occasion the control of the purse was given to the House in this republic, and to the House of Commons in England for the very purpose of enabling that branch of the legislature to compel redress of grievances. He said :

What use is it to give the purse and the sword to the House of Commons if the King or the President by military power can determine what shall be the constitution of the House of Commons or the House of Congress ? And that is what they fought for in England. \* \* \* And for this reason the people of the United States are justified in assuming that the supreme civil power shall dominate over the military, and that no merging of them or interference with them shall be permitted.

The very Federal Election Laws were enacted by being placed as riders on appropriation bills. Indeed the great majority of the infamous legislation of the Republican majority in Congress during the past fifteen years was enacted in the same way.

#### THE ISSUE SQUARELY MADE.

The Democrats began this memorable contest for the rights of the people, this struggle for human liberty at the last session of the Forty-fifth Congress. They were bitterly fought by the Republicans. The bill passed the House with the repealing clause on it. The Republican Senate would not accept it. The bill went to a conference committee which could not agree. On the final disagreeing report from this conference committee, Hon. Abram S. Hewitt said :

The conferees, on the part of the Senate, declined to agree to the repeal of so much of the two sections of the revised Statutes as authorized troops to be present at the polls. The issue, therefore, was fairly and clearly defined. \* \* \* This presents an issue which involves the very essence of free government. The difference between a despotic government and a free government is this, that in a despotism the military power is superior to the civil ; in a free government the civil dominates the military power. And this principle is one which we never fought for. It came to us as an inheritance from our fathers. It was so well recognized that when the Constitution was framed it was not even deemed necessary to insert an article to that effect. \* \* \* No English speaking man for two hundred years has questioned the principle that soldiers should never be present at the polls. And the question could never have been raised in this country, the demand could never have been made in our land, but for the unhappy calamity of a civil war. In time of civil war all political rights must be surrendered to the necessities of the conflict. And so it was here. We surrendered the right we had inherited, and which up to that hour we had exercised, that no soldier should show himself at the polls. \* \* \*

Now, for fifteen years we have been striving to recover that lost ground. We have made gigantic efforts ; sacrifices such as the world never saw, to get back to the resumption of specie payments, and yet we have done nothing for the resumption of our political rights—the rights which lie at the very foundation of this government. The time has come to recover this lost ground ; and I think it is a reproach to our patriotism that the resumption of specie payments should have preceded the resumption of the rights necessary for the preservation of free government. Can we surrender this question ? Would we be justified by the people of this country, now that the issue has been raised, in conceding the principle in time of profound peace, fifteen years after the close of the civil war, that soldiers may be ordered by the executive power to the polls on the day of election. \* \* \*

If the provision authorizing the presence of troops at the polls shall remain upon our statute books when an unscrupulous executive—and we may have such an one—shall occupy the presidential chair, with this power to control the troops at the polls, the people of this country will never elect his successor. That danger confronts us. We are asked why we press this issue now. We press it now because we have had an admon-



ition that when the Army Bill failed in the Forty-fourth Congress, the army was maintained without law for months, nearly to the time of the next election, before Congress was called together and provision could be made for its support. \* \* \* It is for that reason that the conferees, on the part of the House, have felt themselves constrained to plant themselves firmly upon the ground that they would never yield this position; and I trust that they will be sustained by the unanimous voice of this House. The issue thus made is one which we are ready to accept before the country. Let the people decide whether they are prepared to surrender the sacred right of untrammelled suffrage, which this bill seeks to guard, and the provisions which in the Legislative Bill are designed to maintain unimpaired the trial by jury, which is the great achievement of our race. Unless the blood which courses in our veins has degenerated from the vital fluid which has made the Anglo-Saxon people great and free, I cannot doubt the result of the appeal which I now make to the country (*Record, vol. 8, Part 3, 3d sess. 45th Cong., pp. 2380-81*).

#### GENERAL GARFIELD'S DEVIOUS COURSE.

The record of James A. Garfield on the question of "Troops at the Polls" is characteristic of the man. We propose briefly to trace it through all his devious course, and mark his glaring inconsistencies.

General Garfield followed Mr. Hewitt, and in reply to the speech we have quoted from above said:

Gentlemen talk as though these sections (2002-3) had been adopted to empower the army to interfere with the freedom of elections (we have shown that they were not); on the contrary, they were in precisely the opposite direction. It should be remembered that these sections were enacted in 1865 (how, we have shown); when the roar of battle was still in our ears; when our guns were still smoking; when none of the state in rebellion had been reconstructed; when none of them had been restored to their place in the circle of the Union; when all was chaos; when, from governor down to the humblest officer in any one of those states, there was no one bore, in the new order of things, any recognized authority; when even the machinery for the services of ordinary civil processes had all to be set up anew; when, by the necessity of the case, the military occupation of all that part of the country was indispensable, even in the view of the most extreme opposers of the Union. \* \* \* *Perhaps the law is now as necessary as it was in 1865. [How could it be in view of what he had just said?] I am free to admit, for one, that these enactments were passed at a period so different from the present, that probably we can, without serious harm in any direction, muster them out as we mustered out of service the victorious armies when the war was done. For myself, I see no serious practical objection to letting these sections go, though I do not quite see how anybody can say that, while a state may call out its own militia to keep the peace at its own polls, and nobody calls that tyranny; nobody calls that wickedness, injustice and a menace to civil liberty; so it seems to me that a nation, when it has its own elections, which its own constitution says it may regulate as to time, place and manner of holding them, may, with great propriety, use its own military force to keep the peace at the polls. That is all there is in these sections that any gentlemen have complained of. Now, I believe that, as a matter of fact, no one will say that any citizen, during the thirteen years and more that this law has stood on our statute book, has been denied the full and free exercise of the elective franchise in consequence of the presence of armed soldiers of the United States near the polls. If there has been such a case, I will join with any man, of any party, in deprecating it, in deploring it, in doing what I can to prevent its recurrence. But lest it should be a rock of offence and a stone of stumbling to any man in this country, I, for one, would be willing to let it go out of the law rather than even appear to sin against the liberty of the citizen.*

#### WHAT GENERAL GARFIELD MUST HAVE KNOWN.

The statement of General Garfield that he did not believe that one citizen had been denied full and free suffrage by the presence of troops at the polls is paralleled only by his other statement about all the states having the right to call out their militia, and have them near or at the polls. He knew better in both cases. The laws of the following states must have been familiar to him:

#### NEW YORK.

If any officer or other person shall call out or order any of the militia of this state to appear and exercise on any day during any election to be held by virtue of this chapter, or within five days previous thereto, except in cases of invasion or insurrection, he shall forfeit the sum of \$500 for every such offense.—(*Revised Statutes of New York State*, chapter 6, title 7, section 5, page 448.)

#### MAINE.

If any officer of the militia parades his men or exercises any military command on a day of election of a public officer, as described in section 102 of chapter 10, and not thereby excepted, or except in time of war or public danger, he shall for each offense forfeit not less than \$10, nor more than \$300.—(*Revised Statutes of Maine*, chapter 4, section 65, page 104.)

#### PENNSYLVANIA.

No body of troops in the army of the United States, or of this commonwealth, shall be present, either armed or unarmed, at any place of election within this commonwealth during the time of such election. *Provided*, That nothing herein contained shall be so construed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.—(*Brightley's Purdon's Digest*, 1872; Pennsylvania; section 124, page 562.)

## NEW JERSEY.

No such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which any such election shall be appointed to be held.—(*Nixon's Digest*; New Jersey, revision of 1871; an act to regulate elections; section 33, page 262.)

## ILLINOIS.

Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same, and no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.—(*Revised Statutes of Illinois* 1874, *Constitution* 1870, article 7, section 3.)

## MASSACHUSETTS.

No meeting for the election of national, state, district, county, city, or town officers shall be held on a day upon which the militia of the commonwealth are by law required to do military duty.—(*General Statutes of Massachusetts*, 1860, section 1, page 58.)

## THE CONSTITUTION OF NEW YORK.

All elections ought to be free; and no person, by force of arms, malice, menacing, or otherwise, shall presume to disturb or hinder any citizen of this state in the free exercise of the right of suffrage.

## THE CONSTITUTION OF DELAWARE.

ART. 28. To prevent any violence or force being used at the said elections no persons shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto, nor shall any battalion or company, in the pay of the contingent, or of this or any other state, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening of said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said elections; *Provided, always*, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.

## THE CONSTITUTION OF ARKANSAS.

Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage.

## THE CONSTITUTION OF GEORGIA.

Freedom from arrest on the day of election is guaranteed.

## THE CONSTITUTION OF MICHIGAN.

No military duty exacted on election days, save in time of war, and freedom from arrest guaranteed.

## THE CONSTITUTION OF PENNSYLVANIA.

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of suffrage. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning therefrom.

These same provisions in spirit and substance are to be found in the laws and constitutions of almost every state in the Union.

Notwithstanding Gen. Garfield's declaration that he was ready to vote for the repeal of that part of section 2002 Revised Statutes which permits "troops at the polls," he did not, and he stood with his side in support of the Senate's refusal to agree, and the Army Bill failed at the last session of the Forty-fifth Congress.

## GENERAL GARFIELD GOES BACK ON HIMSELF.

There was a called session of the Forty-sixth Congress. The Army Bill was reported by Mr. Sparks, of Illinois, from the Committee of Appropriations. At the suggestion of Gen. Garfield general debate was closed upon the whole bill, except the clause in regard to troops at the polls. It was precisely the same clause that was in the Army Bill at the last session of the Forty-fifth Congress. In discussing this provision at the called session of the Forty-sixth Congress Gen. Garfield said :

"The question, Mr. Chairman, may be asked, Why make any special resistance to the clauses of legislation in this bill which a good many gentlemen on this side declared at the last session they cared but little about, and regarded as of very little practical importance, because for years there had been no actual use for any part of these laws, and they had no expectation there would be any? It may be asked, Why make any controversy on either side? So far as we are concerned, Mr. Chairman, I desire to say this: We recognize the other side as accomplished parliamentarians and strategists, who have adopted with skill and adroitness their plan of assault. You



have placed in the front, one of the least objectionable of your measures; but your whole programme has been announced, and we reply to your whole order of battle. The logic of your position compels us to meet you as promptly on the skirmish line as afterward when our intrenchments are assailed; and, therefore, at the outset, we plant our case upon the general ground upon which we have chosen to defend it.

"Gentlemen: We have calmly surveyed this new field of conflict; we have tried to count the cost of the struggle, as we did that of 1861, before we took up your gage of battle. Though no human foresight could forecast the awful loss of blood and treasure, yet, in the name of liberty and union, we accepted the issue and fought it out to the end. We made the appeal to our august sovereign, to the omnipotent public opinion of America, to determine whether the Union should perish at your hands. You know the result. And now lawfully, in the exercise of our right as representatives, we take up the gage you have this day thrown down and appeal again to our common sovereign to determine whether you shall be permitted to destroy the principle of free consent in legislation under the threat of starving the government to death.

We are ready to pass these bills for the support of the government at any hour when you will offer them in the ordinary way, by the methods prescribed by the constitution. If you offer those other propositions of legislation as separate measures, we will meet you in the fraternal spirit of fair debate and will discuss their merits. Some of your measures many of us will vote for in separate bills. But you shall not coerce any independent branch of this government, even by the threat of starvation, to consent to surrender its voluntary powers until the question has been appealed to the sovereign and decided in your favor. On this ground we plant ourselves, and here we will stand to the end.

Let it be remembered that the avowed object of this new revolution is to destroy all the defenses which the nation has placed around its ballot-box to guard the fountain of its own life. You say that the United States shall not employ even its civil power to keep peace at the polls. You say that the marshals shall have no power either to arrest rioters or criminals who seek to destroy the freedom and purity of the ballot-box (*Cong. Record*, vol. 9, part 1, 1st Sess. 46th Cong., pp. 217 and 218).

#### THE MISERABLE PRETEXT.

In concluding his speech in reply to General Garfield, Mr. McMahon said:

The pretext that it is necessary to have troops at the polls to preserve the peace, and that supervisors and deputy marshals are necessary to preserve the purity of elections, is only a bold pretense not believed by those who urge it. The great mass of the American people require constant urging to bring them to the polls. We often spend months in an active canvass to convince them of the duty of attending elections. If the people find troops stationed there under the command of the President of the opposite party—often, as we know, one of the most active though quiet workers for the success of the party—they will become indifferent or timorous, and relinquish their right. If the naturalized citizen knows that he is to be subjected to the danger of arrest by persons in authority, purposely appointed by leaders or the opposite party to diminish the number of votes against it, he will remain at home rather than take the risk of the trouble or inconvenience to which he may be put. The result will finally be that the adherents of the party in power will be the only ones to approach the polls, and power once gained will be thus perpetuated forever.

Against any authorized interference between the voter and the ballot-box, we have raised our protest. The citizen should be as free as air. The penalties against illegal voting are ample. The state laws to preserve the peace are ample. Riots will occur, and illegal voting will take place. Punish the guilty; but let the ballot-box be free, and put no obstacle in the way of the honest voter.

Because these are fundamental propositions, and concern the very existence of the government, we are making the contest that is now before us. We appeal to the people, and by their judgment are willing to abide (*Ibid.*, p. 123).

#### THE REVOLUTION GARFIELD DREADS.

In the course of the same debate Mr. Muldrow said:

The distinguished gentleman from Ohio (Mr. Garfield) recognized the importance of, and makes no argument against, the impolicy of the proposed legislation, but confines himself to holding up the specter of revolution. How can it be called revolution for the legislature of this country to insist upon the repeal of obnoxious laws before furnishing the means to execute them, is past my comprehension. I do not see how it can be called revolution for the lower house of Congress and the Senate to pass a bill repealing certain objectionable features of certain laws now upon the statute books. They have abundant precedents for doing it in the manner in which they now propose. They have the example of former Congresses, and especially former Republican Congresses.

\* \* \* \* \*

The revolution they expect is one of converting tyranny into freedom, of having it understood that the military arm of the government shall be held in subordination to that of the civil arm; that we shall return to that condition of things which recognizes the fact that all republican governments must rest upon the consent of the governed, and this is the revolution to which the Democracy of this country is pledged, and this is the revolution that the people of this country will uphold.

The gentleman from Ohio himself voted against this bill when it originally passed, as he stated himself on the floor of the House on Saturday. I presume, then, that he has no objection, *per se*, to the repeal of the bill.

Mr. Garfield: If the gentleman will allow me, I will say that I will vote with pleasure for the repeal of the bill, and in doing so I will act consistently with my former course.

Mr. Muldrow: If the gentleman objects to the method only, he should not complain of that, for he sanctioned it himself in 1872 (*Ibid.*, page 146).

#### GARFIELD AGAIN HELD UP.

In the course of this same debate, Mr. Townshend, of Illinois, said:

It is asserted by the gentleman from Ohio that the method by which we are seeking to repeal these laws is "revolutionary." If this method be revolutionary, I want to know the fact; and I wish, further, to look beyond the present, and ascertain who are the authors of this "revolutionary" method. I have before me records showing that this is no new invention, originating with the Democratic party of the Forty-fifth or Forty-sixth Congress. I have before me records showing that this method of legislation has been practiced in the past; and I say now, in passing, that if the President vetoes these two bills because of the provisions we propose to tack on to them, it cannot be for the reason that he regards the method by which we endeavor to effect this object as "revolutionary." He will not veto them for any such reason if he is guided by his own action in the past, and by the precedents and practices of the Republican party itself in Congress.

The gentleman from Ohio had an opportunity, on the 4th day of March last, to pass his opinion upon them. And what was the position taken by him then? It is the same provision, except simply this modification with regard to the appointment of the two supervisors which are retained in this bill, but whose offices were abolished by the bill then under consideration. What was the language of the gentleman from Ohio on the 4th day of March last, when the bill was more objectionable from his standpoint than it is now? I read it from the *Record*:

"I am free to admit, for one, that these enactments were passed at a period so different from the present that probably we can, without serious harm in any direction, muster them out, as we mustered out of service the victorious armies when the war was done. For myself, I see no serious practical objection to letting these sections go," etc.

On the 4th of March last, the gentleman from Ohio thought these amendments were harmless and might well be "mustered out," but on last Saturday he pictured in frightful colors the dark and damning treason that was nursed in our effort here to place a clause repealing them in this appropriation bill. (*Ibid*, pp. 169-70.)

#### A TEMPEST IN A TEAPOT.

Mr. Buckner also alluded to Mr. Garfield's change of front, and said:

In the face of the fact that the gentleman from Ohio (Mr. Garfield) not a month since would have consented to this amendment as to the use of the military at the polls, and would also have been willing to give his sanction to this assumed "coercion" of the Executive, how does it happen that this able leader of the minority then and now can justify himself for his extraordinary speech of last week?

How can he who, as Chairman of the Appropriations Committee for years, adopted time and again this mode of legislation, and who but yesterday was ready to consent to the passage of the identical bill now before this committee, denounce the action of the majority as "revolutionary?" With what grace can he charge that we are attempting to repeat the history of 1861 by "starving" the Union to death, instead of "shooting" it to death? Never before, Mr. Chairman, has this House witnessed such a tempest in a teapot. Never before has the country seen such an exhibition of extreme partisanship and electioneering clap-trap at the expense of consistency and common fairness, and I venture to say it will never again witness an attempt to engage in such a gigantic speculation with so small a capital, or to deduce such unjust conclusions from such false and groundless assumptions. The distinguished gentleman from Ohio will pardon me for reminding him that he has commenced the presidential campaign a year too soon, and that he ought not to attempt the impossible feat of jumping over the stile before he gets to it. (*Ibid*, p. 177.)

The vote was taken on the bill, and General Garfield voted, no! It passed the Senate with the House amendment, went to the *de facto* President, who vetoed it. The repealing act, was then passed as an independent measure, and was again vetoed.

#### SENATOR THURMAN ON HAYES'S VETOES.

Senator Thurman, that able constitutional lawyer and eminent jurist, in speaking of these veto messages of Mr. Hayes, says:

There are some other things about these messages which are very peculiar. I think everybody that read the first message understood the President as saying that under existing law, troops could not be used at elections, but now, in the second message, he tells us in effect that the Constitution will be overthrown, for the post-office in Fremont, Ohio, and the post-offices in all the other cross-roads villages may be taken by a mob if he is not allowed to employ the military there on election days. It is necessary that the power to use the military at elections shall be preserved in order that he may defend the public property. Sir, was there ever so transparent a sham—I will not say contemptible. I want to speak respectfully of the Executive; but was there ever such transparent sophistry, if it can be dignified with that name, as this pretense that it is necessary there shall be in the statute book a power to use the troops to preserve the peace at elections, for that is the point, and that you shall not abolish that power for fear the President cannot defend the post-offices and custom houses with the troops if a mob should assail them? So help me Heaven, I cannot get down quite to the level of that argument.

#### A RIDER GARFIELD VOTED FOR.

On June 6, 1877, Mr. Clymer reported another army bill from the Committee of Appropriations. The following proviso was attached. There was an agreement that all discussion of this clause should be reserved till the bill had been completed in the Committee of the Whole. The clause was as follows:

Sec. 6. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any state.



## ADMITS HE IS IN FAVOR OF TROOPS AT THE POLLS.

In discussing this proviso General Garfield said :

My first observation is, that this section does not profess to repeal, and does not repeal any law of the United States. There is not now, and so far as I know, there never was on our statute book, a law which authorized the use of the army "as a police force" at the polls, and even if this section were a repealing clause, there is nothing on which it can operate as a repeal. But whatever the section prohibits is in the form of a limitation for the coming year on the objects to which the appropriations here made are to be applied. It is declared that this money is not "appropriated for the subsistence, etc., of any portion of the army to be used as a police force to keep the peace at the polls." I affirm without fear of successful contradiction, that this limited and indirect prohibition does not apply to any law or to any practice known.

Mr. Hawley : Not since the Kansas troubles.

Mr. Garfield : Certainly, not since the Kansas troubles. And furthermore I do not know of a man in this House who is in favor of using the army of the United States as an ordinary police force to run elections.

\* \* \* \* \*  
The proposition to use our army as a police; to send them out and station them one by one at the polls to run the elections as a police, is a fiction so absurd that I trust no man on this side of the House will give the least color to the assumption that he favors it by holding that this sixth section repeals, suspends, or modifies any existing statute.

Mr. Williams, of Wisconsin: Will my distinguished friend allow me to submit to him one question, which he will understand I put in the utmost good faith.

Mr. Garfield: Certainly.

Mr. Williams: It is this: Are you now in favor of using any portion of the army of the United States at any time under any circumstances, in any emergency, to keep peace at the polls?

Mr. Garfield: Not in the sense of using that army as an ordinary police force.

Mr. Williams: In any form or manner?

Mr. Carlisle: This section does not refer to the use of the army as an ordinary police force.

Mr. Garfield: I will refer, my friend,—

Mr. Williams: I do not mean as an ordinary civil police force, but in any form whatever. Is the gentleman in favor of using the army in any form whatever to keep the peace at the polls?

Mr. Garfield: I am in favor of using the army and the navy, and all the militia of the United States, to enforce the laws of the United States, any one of them and all of them, everywhere, and at all times when the civil force is inadequate, but not until then.

Mr. Williams: Including the keeping of the peace at the polls?

Mr. Garfield: If there be any law that authorizes the President to use the army as an ordinary police force for that purpose, I am in favor of enforcing it.

Thus it will be seen that Gen. Garfield, after all his equivocations, all his evasions and protestations to the contrary, was forced to admit that he was in favor of using the troops "to keep the peace at the polls." How the army had been used for that purpose we have already shown. However, he voted as did nearly all the Republicans, for the proviso above quoted—but with the declaration that it changed no law and had no legal effect whatever.

## STILL MORE INCONSISTENCIES.

In the second session of the Forty-sixth Congress the fight was renewed. The Army Bill was reported by Mr. Clymer April 7th, 1880. A suggestion was made as before that the right to discuss the political features of the bill should be reserved. The following colloquy took place between Mr. Garfield and Mr. Sparks:

Mr. Garfield: Let me suggest to the gentleman, when the political rider, if it is to be offered, is reached, it can be introduced and printed, and passed over informally until we have gone through with the bill regularly. Then we can take up the proposed amendment and discuss it.

Mr. Sparks: I presume, Mr. Speaker, the rider the gentleman speaks of is a proposition in regard to which he congratulated himself last session that fewer Republicans voted against it than Democrats.

Mr. Garfield: I do not, of course, know what the gentleman's rider is.

Mr. Sparks: I remarked just now that I remember the gentleman from Ohio congratulated himself and his side of the House that fewer Republicans voted against this rider than Democrats did in the last Congress.

Mr. Garfield: We will be ready to attend to any question when it arises.

April 8th the following amendment was offered by Mr. Sparks, the Chairman of the Military Committee:

SEC. 2. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the army of the United States to be used as a police force to keep the peace at the polls at any election held within any state.

It was the same amendment that was offered in the former session, for which Mr. Garfield voted. A point of order was immediately raised against it.

Mr. Garfield, who had previously expressed his willingness to have the law repealed, did all he could to have a point of order sustained that the amendment

did not come from any standing committee of the House. He tried to make it appear that Mr. Sparks was not authorized to offer the amendment. His opposition was factious and his points technical to the last degree. He consumed hours in discussing them. The point he made was that the new rules which had been adopted a few days previous took away the jurisdiction of the Military Committee. The chairman, Mr. Carlisle, of Kentucky, one of the ablest parliamentarians in the House, as well as one of the best lawyers, ruled that Gen. Garfield's point of order was not well taken. Although he had voted for the same proviso on the Army Bill at the previous session he did not vote at all this time, but **DODGED**. The proviso was adopted and is in the bill as it passed the Senate and was approved by the President.

#### THE ODISIOUS AND DANGEROUS JURY LAWS.

*Second.* We next come to consider Sections 820 and 821 Revised Statutes. It certainly is not necessary to say anything about the importance of impartial juries. All English people regard trial by jury as the great bulwark of their liberty. It stands in the grandest of all monuments of English courage and love of liberty—Magna Charta—and Sir Edward Coke says that its insertion there was but an affirmation of the undoubted and prescriptive right of all Englishmen. It not only stands in Magna Charta but in the Act of Settlement, in our Declaration of Independence and our Constitution, as it stood in the constitution of every one of the original thirteen states, and as it stands in the constitution of every state of the Union to-day. Why is it that we attach so much importance to the right of a trial by our peers—an impartial, unbiased jury? Because in all ages of the history of English speaking people that right has been found to be the great shield of protection against oppression by the government. No people who have had and maintained unimpaired that right have ever lost their liberty. Hallam, the philosophic author of English constitutional history, says :

#### THE IMPORTANCE OF IMPARTIAL JURIES.

Civil liberty in the kingdom has two direct guarantees : the open administration of justice according to known laws, truly interpreted, and fair construction of evidence ; and the right of parliament, without let or hindrance or interruption, to inquire into and obtain redress of public grievances. Of these the first is by far the most indispensable ; nor can the subjects of any state be reckoned to enjoy a real freedom where this condition is not found in its judicial institution and in their constant exercise. \* \* \*

I have found it impossible not to anticipate, in more places than one, some of these glaring transgressions of natural as well as positive law that rendered our courts of justice in cases of treason little better than the caverns of murderers. Whoever was arraigned at the bar was almost certain to meet a virulent prosecutor, a judge hardly distinguishable from the prosecutor except by his ermine, and a passive, pucillanamous jury. \* \* \* There is no room for wonder at any verdict that could be returned by a jury when we consider what means the government possessed of securing it. The sheriff returned a panel either according to express directions, of which we have proofs, or to what he judged himself of the crown's intention and interest.

If a verdict had gone against the prosecution in a matter of moment, the jurors must have laid their account with appearing before the star chamber ; lucky if they should escape, on humble retraction, with sharp words, instead of enormous fines and indefinite imprisonment. The control of this arbitrary tribunal bound down and rendered impotent all the minor jurisdictions. That primeval institution, those inquests by twelve true men, the unadulterated voice of the people, responsible alone to God and their conscience, which should be heard in the sanctuaries of justice, as fountains springing fresh from the lap of earth, became like waters constrained in their course by art, stagnant and impure. Until this weight that hung on the Constitution should be taken off, there was literally no prospect of enjoying with security those civil privileges which it held forth.

#### SENATOR THURMAN ON THE JURY LAWS.

Senator Thurman, speaking of the provisions incorporated in the Legislative, Executive and Judicial Appropriation Bill repealing these objectionable election laws which so mysteriously crept back into the statute book, said :

Now, what does the provision in this bill propose ? First, that sections 820 and 821 shall be repealed outright. Ought they not to be repealed ? We did repeal section 820, but it passed into the Revised Statutes without a man here knowing that it was brought back into the statute book. It was one of those mysterious transactions that occurred in making up that book, such as the striking out of the word "white" from the naturalization laws after Congress had expressly refused to



strike it out, like the demonetization of silver which Congress had not demonitized. It was one of the marvelous things of that revision of 1874 which I saw lie on that desk tied up as it came from the printing office, and passed by the Senate without the cords that bound the wrapper ever being untied or cut, read by its title alone, because there was no time to read more and because no Senator supposed it was necessary to read more, as it professed to make no change in existing law. And so this section 820 stole back into the statute law of this land.

What is it? It reads:

"Section 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely:

"Without duress or coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States."

Now, sir, mark it. The suit may be between a boy ten years of age and another boy of the same age, both born long after the rebellion; it may relate to their estate with which the rebellion had nothing to do; they and their guardians who prosecute or defend for them may be perfectly satisfied with the jury; the lawyer on one side may be perfectly satisfied; but some lawyer on the other side may get up and say to a juror, "You, sir, gave a cup of cold water to a weary confederate soldier on a hot summer day, and thus you gave aid to the rebellion, and you cannot sit to try this question as to the property of these boys who were not then born." That is your statute; and that any man can stand up for one moment at this day, fourteen years after the close of the rebellion, to defend such a provision as that makes me wonder at the extent of human audacity.

#### HOW THEY MIGHT WORK.

But what is section 821? Section 821 is even worse than 820 in some respects. Section 820 only gives a right to one of the parties to challenge a juror. It makes aiding or comforting the rebellion a principal cause of challenge, and that principal cause of challenge can only be insisted on by one of the parties to the suit; but section 821 introduces a new figure on the scene. Suppose again these two boys with their guardians trying a suit, the title to a piece of land in the state of Ohio, and a jury is called and the boys are satisfied that the jurors are good men and true, and their friends and their lawyers are satisfied that they are good men and true, and they all, lawyers, friends and parties, want them to try the case, then, just as they are to be sworn, in steps the District Attorney of the United States, or any other person acting on behalf of the United States, and says: "May it please your Honor, there are men on that jury who gave aid and comfort to the rebellion; they gave a pair of shoes to a poor confederate famishing soldier when his feet were bleeding in the frost and the snow; they were so vile as to believe that the parable of the Good Samaritan was told for our edification and example, and they assuaged the dying agony of a poor confederate with a cup of cold water; they are men who aided the rebellion, and I demand that your honor shall direct that every man in that jury shall take the iron-clad oath or be compelled to leave the jury-box." And if the judge is a fool or a knave, or if he is under the influence of passion, or prejudice, or fear of consequences, he may make the order and enforce it. Let no man say that this is an impossible supposition. Such an order has been made and enforced since we assembled in this Chamber; not in Ohio, it is true, but in another state.

Mr. President, ought that to be the law? Ought that to be the law in a country that has the least pretense to call itself civilized, I will not say free? I say it would disgrace the kingdom of Dahomey, much more the United States of America. I do not speak now of whether there was a necessity for that law at the time it was enacted—although it may well be questioned whether it would not have been far better to have suffered the evils that might result from an occasional case of a rebel sitting on a jury than to set the example of passing such a law—but if it were justifiable then, the moment that peace was restored, the moment that we once more looked upon a united, harmonious, and a fraternal people, that law ought to have been swept from the statute book. It was due to the national character, it was due to justice, it was due to civilization that that law should cease to exist. The only wonder is that it did not cease to exist long ago. We propose now that it shall cease to exist. Pray, is it not time? Pray, is this demand for an honest, impartial jury; pray, is this demand that we go back to the old and well-trodden paths of justice and legal decision, a matter that should fire the Northern mind and set all the demagogues in the whole laud north of Mason and Dixon's line to declaiming against this side of the Chamber?

#### THE REMEDY.

So much for the law as it exists. What is the remedy? It is not easy to provide a remedy; but one thing is certain, experience has proved that when you frame a jury system under which there may be many political questions or political trials, or danger of political bias or prejudice, it is essential that you shall provide in some way that the juries shall not consist of men of one political party alone. That experience proves. Is there anything strange in our taking notice of the existence of political parties? Why, sir, do we not take notice of it in one way or another, directly or indirectly, in many of the states of the Union, and in the laws of the United States themselves? Do we not provide, directly or indirectly, in divers states of the United States, that judges of election shall be of different political parties? Do we not in our own election laws provide that the supervisors of election shall be of different political parties? We are, as practical men, compelled to recognize the fact that there are in this country great political parties, as there have been in every free country that ever existed. To ignore that is to ignore as plain a fact as exists on the face of the earth, and therefore the proposition in the pending bill that the names of the jurors shall be placed in a box by the clerk of the court and by a jury commissioner, to be appointed by the judge, who shall be of the principal political party opposed to that to which the clerk belongs, and that they shall put in names alternately until the proper number is placed in the box, is not obnoxious to criticism because it recognizes the fact of the existence of political parties.

It required the struggle of nearly a whole year in Congress to get these reforms which Senator Thurman demonstrated to be so necessary in our judiciary. As long as there was a decent pretext for opposing them they were opposed. The legislative bill containing them was vetoed by the *de facto* President. It was not till the jury bill was enacted as an independent measure that it was approved. Had not the Republicans felt that they had a sufficient record to defend in upholding the monstrous claim of the right to combat elections with Federal troops, it is doubtful whether these jury reforms would have been secured.

### THE FEDERAL ELECTION LAWS.

**THIRD.**—The consideration of the Federal Election Laws, sections 2016 to 2028, and 2031 and 5522, Revised Statutes, is our last duty. The claim of constitutional authority for these laws is based upon article 2, section 1, clause 2 of the Constitution. It is as follows :

*Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress.*

The word "*manner*" in this clause of the Constitution is the foundation upon which the Republican leaders base the entire superstructure of Federal Election Laws. These laws, be it remembered, not only give the federal officials appointed under them—the chief supervisors of elections, the supervisors of elections and the deputy marshals—the power not only to control elections for representatives, but for presidential electors, and executive officers of the states and members of the state legislatures. The elections for these state officials are in almost every state held at the same time and place as the elections for members of Congress. These federal officers supervising, regulating and controlling, not only the election officers of the state, but the registration of voters which precedes the election as well, therefore exercise an unwarranted power, even admitting their constitutional right to interfere at federal elections, in deciding state elections.

### SENATOR THURMAN'S UNANSWERABLE ARGUMENT.

It was upon this ground that Senator Thurman based his unanswerable argument against the Federal Election Laws. He said :

I go to another proposition which I hold is capable of demonstration, and that is, that whether the right of Congress to regulate the manner of congressional elections when there is no default on the part of the state exists or does not exist, the law which this bill proposes to repeal is not constitutional exercise of the power, *for it is fundamental that Congress cannot under article 1, section 4, interfere in any manner with the election of state officers.* It can no more do it, under pretense of regulating congressional elections, than it can when no Congressmen are to be elected. It follows that any regulation of congressional elections enacted by Congress must be so framed as not to interfere with the election of state officers. If it do so interfere, it is unconstitutional. Upon that I stand with a consciousness of being in the right that I hope is not presumptuous. To me no legal proposition ever appeared clearer. There are two classes of elections in this country. There is an election for federal officers, Representatives and Senators in the Congress, and electors of President and Vice-President; if the latter can properly be called Federal officers. There is another class of elections for the officers of a state and her sub-divisions. With the elections of this latter class, Congress under this clause of the Constitution has no more right to interfere than it has to interfere with the elections in France. So far as it can interfere at all, it is under the Fifteenth Amendment, and that is simply to guarantee the right of men otherwise qualified against a discrimination on account of race, color, or previous condition of servitude. But that guarantee, I have shown, has nothing to do here. Here the question is not about objections of race, color, or previous condition of servitude, but it is whether Congress under the pretense of regulating congressional elections can in effect regulate the elections of state officers too, and that in direct violation of the laws and the rights of the states.

Sir, did our fathers ever think for a moment when they were placing that provision in the Constitution authorizing Congress to make regulations in respect of the times, places, and manner of electing members of the House of Representatives or Senators in Congress that they were giving Congress plenary power over the election of state officers?

### WAS THAT THEIR OPINION ?

That it was not their opinion we may easily see by the forcible language in this same fifty-eighth number of the *Federalist*.

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular states, would any man have hesitated to condemn it both as



an unwarrantable transposition of power and as a premeditated engine for the destruction of the state government? The violation of principle in this case would have required no comment, and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the national government in a similar respect to the pleasure of the state governments. An impartial view of the matter cannot fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservation.

If our forefathers in the convention should have put a clause in the Constitution that would warrant what these laws attempt, they knew that the whole instrument would be rejected, and rejected with scorn and indignation. Sir, I ask what do these laws effect? Do they not interfere with the election of state officers? How is it that when thousands, I believe I am not going too far in saying thousands, of men who claimed the right to vote, and who so far as we know had the right to vote, at the last election in the city of New York, were arrested by Federal officers, dragged from the polls before Mr. Commissioner Davenport, put in a cage, as many as the cage would hold, kept there until the election was over, and others only admitted to bail on the condition that they would promise not to vote, others again only on condition that they would surrender their naturalization papers—papers that he had no more right to take from them than he had to take their goods and chattels—when that was done, was that not interference with the election of the officers of the state? Was that simply a regulation of the matter of electing members of Congress? Was that not an interference with the election of the members of the legislature of the state who were to be chosen at that election? Was it not an interference with the election of one of the judges of the highest judicial tribunal of that state then to be chosen? Was it not an interference with the election of every state officer who was voted for at that election? Who can deny it? Nobody can. And, sir, will you tell me that Congress, under the power to regulate the manner of elections in the choice of members of Congress, can frame a law in such wise as really to authorize a deputy marshal of the United States to tear the state judges of election from their seats and confine them in prison and stop the election, and that all that is not interfering with the rights of the states to hold their election for state officers according to their own laws? Will you tell me that that is the exercise of the power to regulate the manner of electing members of Congress? No, sir, it will not stand one moment's examination. There are some things so clear that argument upon them is useless.

#### ANOTHER POINT WAS MADE CLEAR

by Senator Wallace. The undue authority exercised by these Federal officers, acting under the Federal Election laws, would enable them to nullify the laws of the states in regard to the qualifications of voters. Congress has no such power. Article 1, section 2, of the Constitution says the qualifications of electors for members of Congress shall be the same as the qualifications requisite for electors of the most numerous branch of the state legislature. Remarking on this, Senator Wallace said:

The electors for the House of Representatives of the United States are those who are qualified electors for the legislatures of the states. Qualified how? Qualified by whom? Qualified by the Federal government? A qualification created in an act of Congress enforced by the marshals at the point of the bayonet? No, sir; but qualified by the states. The electors for the members of the legislatures of the states are the electors for members of the House of Representatives and they are to be qualified by and under the constitutions of the states. If you have no qualifications of electors for the members of the legislatures of the states, you have under the Constitution no criterion to determine who are to be electors for members of Congress. Where are your qualified electors then? They have vanished and gone. There can be no electors for members of the lower House if there be no electors for the state legislatures. There is no measure or criterion of qualification except as it is found in the clause quoted, which provides that the electors for members of the United States House of Representatives are the electors of the state who are qualified by state constitutions and state laws to vote for members of the legislature. If there be none of these, there can be none for members of the Federal house, and it logically follows, that the existence of the state legislatures is vital to the existence of that branch of the Federal government, for in their absence you have no criterion, no qualification under the Constitution itself. Do we presume to exercise that power here? Do we assert that we can grasp that power and regulate by a Federal statute the qualifications of voters? If we do, we make a consolidated government out of a Democratic republic.

#### OLD FEDERAL THEORIES IN NEW FORMS.

National power over the voter as such, or national elections as such, are new forms of old federal theories. In the laws we propose to repeal, and in kindred enactments in 1870 and 1871, the revamped doctrines of the federalism of 1798 first finds statutory existence. The universal practice of the government since 1801 has been against any such theory as is found in these statutes. National electors would require national citizenship for qualification. How absurd a theory, that a man may be a citizen of the state and not of the United States and still be a national voter. Yet I propose to show that such would be the legitimate result of this teaching as to national elections. This subject is rightly and absolutely controlled by state law and state constitutions in almost every state. There are no national voters. Voters who vote for national Representatives are qualified by state constitutions and state laws, and national citizenship is not required of a voter of the state by any provision of the Federal Constitution nor in practice. Under the constitutions of Kansas, Nebraska, and Colorado an unnaturalized foreigner who has declared his intention to become a citizen may vote for members of Congress and state officers if he has resided six months in the state, and in Indiana, Minnesota, Oregon, and Wisconsin after a residence of twelve months, while in Massachusetts he must reside in the state two years after he has been naturalized. Does the new gospel as to control of elections by national authority contemplate making the rule of seven years' residence, required by Massachusetts, or that of six months, required by Kansas, the test of qualification as a "national" voter for a foreign-born citizen? Which is the doctrine? Is it that

of Massachusetts or that of Kansas? The foreign-born citizen declaring his intention, after six months' residence in Kansas, is a voter, and may vote for a member of Congress and governor of the state, while in Massachusetts he must carry a parchment certifying that he is a citizen of the United States and must have resided two years in Massachusetts. The whole difference is the difference between seven years in one state and six months in another as applied to foreign-born citizens.

#### HOW THE LAWS MIGHT BE USED.

National elections, naturally, necessarily, include national voters, and the plain purpose indicated by this action of the Executive is to make the states conform to the Federal authority as to the rule of suffrage. I ask Senators who now have in their states masses of unnaturalized citizens who are voting for members of Congress, whether they seek to disfranchise these voters or whether it is reasonable to hold that the Federal government can by its laws change the qualifications created and fixed by state constitutions? If Davenport could reject five thousand citizens in New York because of his allegation of non-naturalization, why shall the twenty-five thousand in the Western states who vote without naturalization be permitted to do so? Only because the whole subject is under state control. It is not hard to understand the meaning of the declaration of the Senator from Vermont for "the universality of equal suffrage," if it be read in the light of 1799 and the tenet of federalism. It means a universal rule of citizenship for suffrage everywhere. The states are to be made to bend their will to the control of universal equal suffrage by the Federal government, and the control claimed by Kansas, Colorado, and Nebraska over the right to prescribe the qualifications of voters is to give place to a statute enacted by the Federal government, prescribing a rule like that of Massachusetts. What more potent argument as to the fallacy of the existence of national elections can there be than the fact that qualifications for voters differ in every state, and that by universal rule the states have absolute control of the subject?

#### A FOREIGNER MAY VOTE IN CERTAIN STATES BEFORE HE IS A CITIZEN OF THE UNITED STATES.

The laws of the United States require a residence of five years within the country before a foreigner can be naturalized. This makes him a citizen of the United States, but he may be a voter for members of Congress, or for electors for President, or for the members of a state legislature who elect a United States Senator, after he has resided six months in the country if he lives in Kansas, Nebraska, Colorado or Georgia; or within twelve months residence in Alabama, Arkansas, Florida, Indiana, Minnesota, Missouri, Oregon, Texas, and Wisconsin.

A naturalized foreigner can vote in California after a residence of six months; Connecticut, after a residence of one year if he be able to read any article of the constitution or any section of the statutes of the state; Delaware, after one year's residence if he has paid taxes; Illinois, after one year's residence; Iowa, six months' residence; Kentucky, two years' residence; Louisiana, one year's residence; Maine, three months; Maryland, one year; Michigan, three months; Mississippi, six months' residence; Nevada, six months; New Hampshire and New Jersey, one year; North Carolina, one year; Ohio, one year; South Carolina, one year; Tennessee, one year; Vermont and Virginia, one year; and West Virginia one year in the state. The same residence is required in these twenty-one states of the native-born citizens.

In these states residence is superadded by state authority as a qualification to voting for all officers, state as well as Federal. In Massachusetts two years, in Pennsylvania thirty days, and in New York ten days are added by State authority to the qualification of five years; and in Rhode Island ownership of real estate must be in the naturalized foreigner before he is a voter.

Are all these distinctions, are all the restrictions imposed by state authority and state constitution as to residence, naturalization, qualification, registration, age, tax, and property, to be obliterated in this effort for the "universality of the security of equal suffrage" in this renewed and studied effort for a consolidated government?

In the 51st number of the *Federalist* we find the question of suffrage discussed as follows:

The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the states would have been improper for the same reason, and for the additional reason that it would have rendered too dependent on the state governments that branch of the Federal government which ought to be dependent on the people alone. To have reduced the different qualifications in the different states to one uniform rule would probably have been as dissatisfactory to some of the states as it would have been difficult to the convention. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every state, because it is conformable to the standard already established, or which may be established by the state itself. It will be safe to the United States, because, being fixed by the state constitutions, it is not alterable by the state governments, and it cannot be feared that the people of the states will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal constitution.

#### WHAT THE DEMOCRATS PROPOSED TO DO.

The Democratic majority in Congress, in attempting to repeal certain provisions of these Federal election laws, were accused, *first*, of attempting a "revolution"—of a purpose to starve the government to death unless they were allowed to accomplish their *second* purpose, which it was alleged was to remove all restraints, overturn all safeguards which had been placed about the polls to prevent fraud.



It was asserted that they were in favor of every sort and description of frauds at elections. A more senseless and wicked falsehood was never uttered. This cry of "revolution" has been the sole stock in trade of the fraudulent administration and the Republican minority in Congress since the great fraud of 1876 was consummated. When the Democratic majority in the House of Representatives proposed to inquire into the monstrous crimes by which that wicked nullification of the will of the people was accomplished, the Republican minority at once set up the howl of "revolution." It fell flat when the Democrats, having probed to the bottom the frauds of 1876-1877 and demonstrated as clear as the unclouded sky at noonday, that Rutherford B. Hayes had no shadow of title to occupy the White House, save the partisan decision—eight to seven—of an unconstitutional commission, voted that they would establish no new and possibly dangerous precedent by initiating legal proceedings to unseat him. Again when the cry was shouted at the last session of the Forty-fifth Congress that the Democrats meant to starve the government to death unless the Executive would consent to be coerced into approving their enactments, and was renewed and continued in the Forty-sixth Congress, it another time proved *brutem fulmen*, when the Democratic majority, having exhausted every legal remedy to secure the redress of substantial grievances, voted the money necessary to carry on the machinery of government.

What the Democrats proposed to do, and all they proposed to do, was to *amend* the Federal election laws so they would cease to be non-partisan ; so they would cease to be unnecessarily oppressive and arbitrary ; so they would no longer be capable, in the hands of unscrupulous and designing men of intimidating legal but timid electors ; so they would not permit the control of state elections for state officers ; so they would not legalize an unnecessary and illegal squandering of the people's money. This, and this only, was their purpose. It was charged, and the charge is iterated and reiterated that they proposed and attempted to *wipe out* the Federal election laws. It was and is a base calumny. They proposed to amend fifteen sections of these laws, which number nearly one hundred sections. From many of these fifteen sections they proposed only to strike a few lines and from others only a word or a few words. We have printed these sections which it was proposed to amend in full, with the lines and words to be stricken out in italics.

#### THE BASE USE TO WHICH THEY ARE PUT.

We have shown how these laws originated, and how they were made to serve the pecuniary purposes of their author. We will now show how they were made to serve the basest partisan purposes. They have been employed in two ways. *First*, as a means of corrupting electors. This was easy. There are always a low class of electors in every great city whose votes can be purchased. The appointment of these men as deputy marshals was a legalized way of buying their votes and making the government furnish the money.

One Congressional district in the city of St. Louis was carried by the republicans in 1876 in this way. There were one thousand and twenty-eight deputy marshals appointed in that city for no other purpose than to secure their votes for and their assistance in the election of the three republican candidates in the three Congressional districts of St. Louis. There was \$20,000 of the people's money spent as campaign money in that contest, though ostensibly for enforcing the election laws. D. W. D. Barnard, an old friend of General Grant and a National Bank Examiner, testified in the contested election case of Frost *vs.*

Metcalf that he controlled the appointment of these deputy marshals and that he used his power simply and only for partisan purposes.

He was asked: "Was there any more necessity for the appointment of marshals for that election than for any previous election?" He answered, "Oh, well, you gentlemen know very well that in a political struggle for party ascendancy it is necessary for the co-ordinate branches of the government to be in accord: and there was an effort on the part, so I interpreted it, of the party which I acted with to gain control of the House of Representatives."

Thomas Berrell, J. F. Ryan, N. W. Devoy, Michael Carroll, Matthew Horan and Michael Welsh testified that they were appointed deputy marshals on the condition that they would vote for the Republican candidate, and others were appointed on a like distinct pledge. Carroll testified that the man who appointed him said, "I don't care a damn what you are; I want you to do one thing and I will get you a commission—vote for Metcalf." Thomas McNamara testified that he was appointed a deputy marshal eight days before the election and instructed "to move around the ward and do all he could to help Metcalf." These marshals were in companies and under captains. Michael Welsh testified that his company was instructed on election day "to arrest all the Democrats they could, bring them in and keep them from voting—damn them."

*Second*, The Federal Elections Laws have not only been perverted to enable the money of the United States to be used for corrupting electors, but the chief supervisors by appointing men from the lowest and most vicious classes deputy marshals, not only secured their votes, but employed them to terrorize and intimidate legal voters. Here is a list of the characters appointed deputy marshals in New York city.

#### NEW YORK'S SCUM AS DEPUTY MARSHALS.

J. F. Baderhop, appointed by this estimable Judge Woodruff, at the instance of some of my friends, "bucket-men" in New York, some of those "shoulder-hitters" and "rat-pit heroes."

Theodore, alias Mike Anthony, alias Snuffy, of 24 Cherry street, a laborer, thirty-five years of age, married, and cannot read or write. Anthony was arrested by detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in \$2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 23d of August last.

Joseph Frazier, of 279 Water street, is a thief and confederate of thieves.

James Miller is the keeper of a den of prostitution in the basement of 339 Water street.

James Tinnigan keeps a similar den in the basement of 337 Water street.

James Sullivan, alias Slocum, keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

Frank Winkle keeps a house of prostitution at 337½ Water street.

John, alias "Buckey" McCabe, supervisor of the Eighth District, Fifteenth Ward. He is now under indictment for shooting a man with intent to kill. This precious "supervisor" was first known to the police for his dexterity in robbing emigrants. His picture is in the "rogues' gallery" at police headquarters in this city, No. 225. He was known as Pat Madden, alias "Old Sow," alias Honsey Nicholas, alias Dennis McCabe. His real name is Andrew Andrews.

Joseph Hurtnett, supervisor Eighteenth Ward. Arrested June 3, 1869, as accessory to the murder of Richard Gerdes, a grocer, corner of First avenue and Twenty-fourth street.

Henry Rail, supervisor Eighth Ward. One of the principals in the Chatham street saloon murder; went off West to escape punishment, and has only been back a few weeks.

James Moran, supervisor Third District, Eighth Ward. Arrested on Sunday last for felonious assault.

William (alias Pomp) Hartman (colored), marshal Twenty-second Ward. Arrested a few days since for vagrancy.

Theodore Allen, marshal Eighth Ward. Now in prison for perjury and keeps a house, the resort of panel thieves and pickpockets, on Mercer street.

Richard O'Connor, supervisor Seventh District, First Ward; has been for years receiver of smuggled cigars from Havana steamers.

L. H. Cargill, supervisor Ninth District, Ninth Ward; tried in United States Court for robbing the mails.

John Van Buren, supervisor Twelfth District, Eighth Ward; was at one time in sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters in East Broadway.

Mart Allen, marshal Eighth Ward; served a term of five years in the Connecticut State prison; sentenced to Sing Sing for five years by Judge Bedford.

John McChesney, supervisor Fourth District, Ninth Ward; associated with thieves; bears a bad character generally.

William Cassidy, supervisor Twelfth District, Ninth Ward; is street bummer, without any visible means of support.



Thomas McIntyre, marshal Eighth Ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

Timothy Lynch, marshal Sixth District, First Ward; a Washington market lounge.

Peter Mose, marshal Sixth Ward; habitual drunkard.

John Connor, supervisor First District, First Ward; keeps a disorderly gin-mill, resort of lowes characters.

Francis Jordan, supervisor Sixth District, First Ward; lives in New Jersey; was turned out of the post-office by Postmaster Jones for bad conduct.

Bernard Dugan, supervisor Eighth District, First Ward; habitual drunkard. His wife left him on account of his drunkenness, and procured a divorce on that ground.

John Tobin, supervisor Ninth District, First Ward; arrested about six months ago for grand larceny.

Patrick Murphy, supervisor Fourth District, Sixth Ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody that would promise to vote for Grant.

Edward Sievin, Jr., supervisor Second District, Fourth Ward; has an indictment now pending against him in court of general sessions for cutting a boy named Kilkenny.

Michael Foley, supervisor Fourth District, Fourth Ward; well known repeater, voting for any body that will pay.

James F. Day, supervisor Seventh District, Fourth Ward; shot at a man in fight between the Walsh association and a gang from Water street.

John Connors, alias "Jockey," supervisor Third District, Fourth Ward; a well-known desperate character.

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Michael Costello, marshal Sixth Ward; bounty-jumper during the war.

Harry Rice, supervisor Thirteenth District, Sixth Ward; was connected with the Chatham street concert saloon murder and fled to Nebraska to escape punishment.

Thomas Lane, supervisor Seventeenth District, Sixth Ward; formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

John Lane, supervisor Twenty-second District, same Ward; was indicted for receiving stolen goods. Has served a term in Sing Sing.

Edward Foley, supervisor Sixth District, Ninth Ward; arrested last year for stealing a watch.

Humphrey Ayers, supervisor Eighteenth District, Ninth Ward; arrested six years ago for robbing the United States mail.

John Dowling, supervisor Nineteenth District, Ninth Ward; arrested August 20th, 1869, for till-tapping.

James Fitzsimmons, supervisor Twentieth District, Ninth Ward; arrested August 1st, 1868, for robbery.

John Martin, supervisor Fifth District, Twelfth Ward; arrested a few years ago under an indictment for arson.

Samuel Rich, supervisor Fourth District, Thirteenth Ward; served a term of two years at Sing Sing for felonious assault.

John alias "Buckey" McCabe, supervisor Eighth District, Fifteenth Ward; charged with shooting a man with intent to kill about a year ago.

William P. Burke, supervisor Twentieth District, Eighth Ward; served his term in the State prison of Massachusetts for burglary; also two years in the New York State prison.

James McCabe, supervisor Fourth District, Eighth Ward; now confined in the Tombs under indictment for highway robbery.

William Irving, supervisor Fourteenth District, Eighth Ward; has served a term in Sing Sing prison for burglary committed in the Eighth ward, and has never been pardoned.

Patrick Henry Kily, alias Fred. Williams, supervisor Twenty-second District, Eighth Ward; keeper of a house of ill-fame; resort of the lowest and vilest characters.

Patrick Hefferman, supervisor of the Tenth District, Sixth Ward; arrested some time since for attempted murder.

Frederick Sterringer, supervisor Eighth Ward, has been arrested several times for keeping disorderly house.

J. F. Baderhop, supervisor Tenth Ward; arrested for murder a few years since.

Ed. Weaver, marshal in Eighth Ward; has been but a short time out of State prison, where he has been serving out his sentence.

Walter Prince (colored), marshal Eighth Ward; now in prison awaiting trial for highway robbery.

Andrew Andrews, alias Hans Nichols, marshal; panel-thief; been sentenced two or three times to State prison, and has just returned from Blackwell's Island.

I read this from page 1,636 of the *Congressional Globe* for the Forty-first Congress, third session, February 24th, 1871.

#### PHILADELPHIA JAIL BIRDS AS DEPUTY MARSHALS.

In Philadelphia the list is equally redolent of crime, the gallows and murderer's cell. Here they are for 1878:

Charles Oliphant, marshal Second division, Twentieth Ward; drunk on election day and insulting voters; seized Mr. Hackenberg without cause.

Charles Herr, marshal Second Division, Twenty-ninth Ward; character and reputation bad, had been arrested for crime. On election day he arrested a voter, who was released by Judge Hare and voted. Herr wore a badge and solicited votes as a Republican.

Arthur Vance, marshal Eighth Division, Fifth Ward; arrested Hutchinson, a voter, without cause. Vance was a notorious Republican worker.

John Homeyard, marshal Sixth Division, Sixth Ward; drunk and arrested voters without cause, drew a club on a Democrat for challenging a negro repeater. The police blocked up the poll, acted in concert with Homeyard and brought voters to polls. Homeyard vouched for Republican voters and distributed Republican tickets. Shriver, a United States revenue officer, kept Republican window-book.

J. R. Desano, marshal First Division, Fifth Ward; drunk all day, too drunk to arrest any one. There were five policemen at these polls. Desano never voted in that division before that day.

James Brown, marshal Fourteenth Division, Fourth Ward ; record of his conviction in 1872 for voting illegally produced. Proof was made that he voted twice on the same day.

William Augustus, Fourth Division, Eighth Ward ; acted as marshal, assuming authority as such, but was not on the list ; a Republican worker.

Joseph Hilferty, marshal Twenty-first Division, Second Ward ; held the Republican window-book all day and electioneered ; threatened to arrest the Democratic United States supervisor for procuring bail for a legal voter who had been arrested.

William McGowan, marshal Twenty-third Division, Second Ward. A policeman blocked up the voting window, and a Democratic United States supervisor ordered him away, when McGowan and the policeman seized him and locked him up in the station-house on a charge of interfering with officers. The case was never tried. McGowan is employed in the gas office and paid by the city.

Charles N. Miller, detective, testified that in Seventeenth Division of Nineteenth Ward a gang of repeaters were brought to the polls by a letter-carrier ; he had one of the gang arrested.

Philip Madden, marshal Fourth Ward ; one of the most dangerous men in the city, has been in prison twice, once for highway robbery, and the second time for shooting a colored boy.

Francis McNamee, marshal Eighth Ward ; had been arrested for five different robberies.

Andrew Lenoir, marshal First Ward ; a warrant has been issued for him for larceny.

Daniel Redding, marshal First Ward ; a bad and dangerous man, had been tried for murder.

Henry Pitts, marshal Seventh Ward ; a colored man who keeps a gambling-house and been arrested twice ; distributed Republican tickets and vouched for voters.

R. S. Stringfield, marshal Fifteenth Ward ; had been tried for shooting a man, character very bad.

Michael Slavin, marshal Fifth Ward ; a thief and notorious repeater, had been arrested for subornation of perjury, but never tried.

William Glenn, marshal Nineteenth Ward, superintendent of Norris square, and paid by the city for his duties.

Enoch Baker, marshal Second Division, Third Ward ; arrested John Carroll, a legal voter, without cause and locked him up ; Carroll was discharged after a hearing.

J. Roberts, marshal Sixteenth Division, Third Ward ; arrested John Johnson a legal voter and locked him up all night ; case never tried. Roberts electioneered for the Republican ticket ; was clerk in the gas office and paid by the city ; there were also twelve to fourteen policemen at the polls all day, and they blocked up the poll.

Andrew Jackson, marshal Twenty-second Division, Thirteenth Ward ; employed in the gas works under the city. Ackerman, Republican judge of election, acted as United States supervisor and judge and refused to vacate the place of judge after written orders by marshal Kearns and judge Elcock. Jackson arrested Feeny, who had been legally appointed judge and took him away from the polls. Did not return to get possession until 2 p. m.

C. A. Pinnexon, marshal Thirteenth Ward ; aided in arresting Feeny.

Taylor, marshal Fifteenth Division, Third Ward, arrested Sweeny for illegal voting and locked him up ; charge was found to be false and he was released and voted.

James Calligan, marshal Eighth Division, Sixth Ward ; so drunk in the afternoon he could not walk, seized a qualified voter by the collar and staggered with him against the wall ; policeman brought a repeater to the polls, who was arrested, as was the policeman.

Henry Scott, marshal Second Division, Seventh Ward ; a man of bad repute, colored, keeps a low drinking house ; electioneered and gave out tickets and tax receipts ; was inside at the counting of the vote and took tickets out of the box ; only five votes came out for the Democratic candidate for Congress ; democratic overseer contested this, and Scott allowed seventeen to be counted for him.

Thomas Donlan, marshal Seventh Division, Sixth Ward ; an habitual drunkard and a graduate of house of correction for this ; was drunk all day.

William D. Barth, marshal ; same place ; blocked up the voting window and would not allow legal voters to come to it ; there were two United States marshals and six policemen at this poll.

John Archer, marshal Twenty-seventh Division, Nineteenth Ward ; acted as United States supervisor ; was on both lists and paid as both officers ; when a marshal wanted during the day to arrest a Republican repeater, he did not make known that he was a deputy marshal ; had no badge ; heavy Republican division ; no policeman there.

Joseph T. Fuller, marshal Sixth Division, Twenty-third Ward ; a guard in the House of Correction and paid by the city.

William Stringfield, marshal Thirty-Second Division, Twenty-fourth Ward ; arrested a legal voter and took him to the magistrate's, where he was discharged ; Stringfield was discharged from employment the day before election for stealing.

Charles Male, marshal Seventh Division, Eleventh Ward, keeps a house of prostitution.

Abraham Hoffman, marshal Eleventh Ward, a repeater, and had kept a house of prostitution within a year ; a thief.

William Eckenbrim, marshal Eleventh Ward, arrested for larceny ; bill ignored.

David Beckman, marshal Thirty-second Division, Nineteenth Ward, held the Republican window-book and electioneered ; threatened to put the Democratic United States supervisor out of the room for challenging a voter : the vote was rejected and the voter did not return.

William A. Ahern, marshal Ninth Division, Twelfth Ward, employed in the United States Revenue office.

Fleming, marshal Sixth Division, Eighteenth Ward, distributed Republican tickets and challenged voters ; a legal vote was rejected on his challenge ; intimidated many Democratic voters.

William Boehm, marshal Eighteenth Division, Twenty-ninth Ward, plug inspector, and paid by the city, electioneered and distributed Republican tickets.

Charles Prenderville, marshal Seventeenth Division, Fifth Ward, arrested a legal voter ; case never tried ; electioneered for Republicans all day.

This was the record of a two days' investigation at Philadelphia.

The character of elections in Philadelphia is well-known. The registration there is always in excess of the legal voters from 30,000 to 50,000. The republicans having the machinery of registration in their own hands, uniformly and



systematically make the registration in excess as a preparation to repeating and other forms of illegal voting. Before every election the Democrats prepare affidavits and go into the courts and have several thousand stricken from the register lists, but they can scarcely more than make a beginning, because all the courts can give suffices only to strike off a few hundreds a day.

#### HOW THE PEOPLE'S MONEY IS SQUANDERED.

The following tables show what these federal election laws have cost the people at the two last Congressional elections and where the money has been expended:

#### *Supervisors and Deputy Marshals employed in 1876, with compensation.*

States and Districts.	Amount paid Chief Super- visors.	Number of Su- pervisors.	Amount paid Supervisors.	Number of Dep- uty Marshals.	Amount paid Deputy Mar- shals.	Total Amount paid.
Alabama, northern.....				150		
Alabama, middle.....				244		
Alabama, southern.....	\$2,298 38	19	\$500 00	192	\$2,530 00	\$5,238 38
Arkansas, eastern.....				785		
Arkansas, western.....				214		
California.....	1,578 99	105	5,320 00	244	4,225 00	11,023 99
Delaware.....				135		
Florida, northern.....				745		
Georgia.....	567 50			207	1,410 00	1,977 50
Illinois, northern.....		188	5,640 00	115	1,105 00	6,745 00
Louisiana.....	4,463 33	270	4,115 00	840	5,705 00	14,283 33
Maryland.....	977 55	574	2,950 00	1,222	8,085 00	12,012 55
Massachusetts.....	223 20	66	660 00	117	1,170 00	2,083 20
Mississippi, northern.....	50 50			239		50 50
Mississippi, southern.....				9		
Missouri, eastern.....	187 40	152	1,330 00	1,032	16,385 00	17,902 40
Nevada.....				9		
New Jersey.....	3,771 19	85	3,420 00	249	4,085 00	12,276 19
New York, northern.....	7,723 70	339	9,975 00	342	7,925 00	25,623 70
New York, eastern.....	12,150 52	370	11,674 00	723	11,986 00	35,810 22
New York, southern.....	19,383 36	1,070	32,115 00	2,500	39,785 00	91,283 36
North Carolina, eastern.....	501 84			166		591 84
Oregon.....				13		
Pennsylvania, eastern (Philadelphia).....	3,449 40	1,368	27,360 00	347	3,500 00	34,309 40
Pennsylvania, western.....		224	2,240 00	49	490 00	2,730 00
South Carolina.....	879 14			338	395 00	1,274 14
Tennessee, western.....	120 00			30	150 00	279 00
Texas, eastern.....	249 92	33	1,800 00	18	900 00	2,949 92
Virginia, eastern.....	551 05		1,630 00	201	1,785 00	3,966 05
Virginia, western.....	206 00					205 00
West Virginia.....				4		
Idaho.....				4		
New Mexico.....				78		
Utah.....				18		
Total.....	59,371 67	4,863	110,629 00	11,610	112,616 00	282,616 67
Amount paid U. S. Commissioners in New York City for services under election laws.						3,304 60
Total expenditures reported for 1876.....						285,921 27

*Supervisors and Deputy Marshals employed in 1878, with compensation.*

States and Districts.	Amount paid Chief Super- visors.	No. of Super- visors.	Amount paid Supervisors.	No. of Deputy Marshals.	Amount paid Deputy Mar- shals.	Total Amount paid.
Alabama.....	\$1,551 71	.....	\$1,000 00	110	\$1,000 00	\$3,551 71
Arkansas.....	.....	.....	.....	175	.....	.....
Florida.....	.....	.....	.....	189	.....	.....
Georgia.....	.....	.....	.....	36	170 00	170 00
Illinois, northern.....	.....	224	4,480 00	215	2,240 00	6,720 00
Kentucky.....	116 00	.....	870 00	.....	870 00	1,856 00
Louisiana.....	1,313 00	206	3,600 00	241	4,000 00	8,913 00
Maryland.....	351 03	230	2,950 00	698	4,445 00	7,746 03
Michigan, eastern.....	.....	52	1,300 00	10	2,935 00	1,435 00
Massachusetts.....	.....	282	8,460 00	224	185 00	11,395 00
Nevada.....	.....	.....	.....	20	.....	.....
New Jersey.....	7,324 84	148	3,050 00	192	2,880 00	13,254 84
New Mexico.....	.....	.....	.....	10	.....	.....
New York, southern (city).....	.....	1,225	30,000 00	1,260	27,000 00	57,000 00
New York, eastern.....	15,972 35	354	10,620 00	574	6,500 00	33,092 33
New York, northern.....	7,558 80	374	11,000 00	376	7,000 00	25,558 80
Ohio, southern.....	740 45	.....	890 00	71	447 78	2,078 23
Pennsylvania, eastern.....	5,830 00	1,370	27,440 00	773	7,550 00	40,820 00
Pennsylvania, western.....	.....	312	3,121 00	19	.....	3,121 00
South Carolina.....	579 35	34	680 00	46	700 00	1,975 35
Texas.....	.....	.....	.....	79	.....	.....
Virginia, eastern.....	585 00	70	620 00	93	570 00	1,775 00
Total.....	41,922 51	4,881	110,081 00	5,411	68,442 78	220,446 29
Amount paid U. S. Commissioner for ser- vices under election laws in New York city.	.....	.....	.....	.....	.....	2,567 95
Total expenditures reported for 1878.....	.....	.....	.....	.....	.....	222,714 24

In the above table the amount paid Chief Supervisor Davenport, of New York City, is not included because it was not reported to Congress.

There is no data for expenditures prior to 1876, except in New York City, for 1872. There the amount expended in that year was \$118,989.36.

## GENERAL GARFIELD'S INCONSISTENT RECORD.

The record James A. Garfield made for himself on the proposition to amend the Federal election laws illustrates his character and proves the bulk of the charge which the leaders of his own party have time and again made against him, namely, that he is without moral courage, and consequently always inconsistent. His course in regard to the amendment of Section 2003, Revised Statutes, gave great offence to his party friends in both Houses of Congress, and gained him no credit with the democrats. He began by declaring that in his judgment the words, "or to keep the peace at the polls" ought to be stricken from that section, and avowed his determination to vote therefor. This was at the last session of the Forty-fifth Congress. In the Forty-sixth Congress he first excused himself for not keeping the pledge by declaring against the "wickedness" of placing general legislation as "riders" on appropriation bills. Probably no man in public life has been guilty of more "wickedness" of this kind than General Garfield. During the time he was Chairman of the Committee of Appropriations there was scarcely an appropriation bill reported to the House which did not contain one or more provisions of general legislation. Again, when the report of the words, "or to keep the peace at the polls" was attempted by an independent measure, General Garfield DODGED the vote, and then when the *de facto* President vetoed it, he voted to sustain the veto. And more than this, he first voted to place a proviso on the army bill at the called session of the Forty-sixth Congress, declaring that none of the money appropriated by that bill was intended for the support, equipment, transportation or pay of troops, to be



used to keep the peace at the polls, and forbidding the use of any of the money for that purpose ; and at the second session of the Forty-sixth Congress he endeavored by every parliamentary trick to prevent a similar proviso being added to the army bill, and when he failed he *dodged* the vote on the adoption of the same. Mark how inconsistent was his course in regard to the amendment of the election laws.

The Legislative, Executive and Judicial bill failed at the last session of the Forty-fifth Congress because the Republicans would not yield on the proposition to amend the election laws. At the first session of the Forty-sixth Congress which was called by the *de facto* President, Mr. Cobb, on June 26, 1879, reported from the Committee of Appropriations a deficiency bill making appropriations to pay the fees of United States marshals and their general deputies. This bill contained provisions amendatory of the Federal election law. In discussing this bill on the following day General Garfield said :

#### GENERAL GARFIELD'S EXTRAORDINARY VIEWS.

"The dogma of *sovereignty* which has reawakened to such vigorous life in this chamber has borne such bitter fruits and entailed such suffering upon our people, that it deserves some particular notice"

It should be noticed that the word *sovereignty* cannot be fitly applied to any government in this country. It is not found in our Constitution. It is a feudal word born of the despotism of the middle ages, and was unknown even in imperial Rome, \* \* \* \* \* [Imperialism, however, which was known to Rome has never had any particular terror for Gen. Garfield]. Again the government of the state may be absolutely abolished in case it is not republican in form. And finally, to cap the climax of this absurd pretension, every right possessed by one of these sovereign states, every inherent sovereign right except the single right to equal representation in the Senate may be taken away without its consent by the vote of two-thirds of Congress and three-fourths of the states. And yet in spite of these disabilities we have them paraded as independent, sovereign states, the creators of the Union and the dictators of its powers. How inherently sovereign must be that state west of the Mississippi, which the NATION bought and paid for with the public money, and permitted to come into the Union a half a century after the Constitution was adopted!

So could two-thirds of Congress and three-fourths of the states vote to abolish our form of government and establish a Presidency for life, with the succession to the heir of the so-called President. The one is just as logical as the other. According to Gen. Garfield's theory two-thirds of Congress and three-fourths of the states can constitutionally say that New York or Pennsylvania shall not elect a governor for three years, but must elect them for twenty years ; that their legislatures shall meet only once in fifty years, in short, take away from the people of those states "*every inherent right*" save equal representation in the Senate, and even that they might say should not be enjoyed by Catholics or Presbyterians,

Holding such views as these in regard to federal power, it is not strange that Gen. Garfield should argue as he did in the same speech that the NATION might send its soldiers and deputy marshals to the polling places in any state and supervise local as well as general elections, under the pretence of keeping the peace of the NATION at the polls.

#### GENERAL GARFIELD ANSWERED.

Mr. Hurd, of Ohio, in answer to Gen. Garfield said :

My colleague, from Ohio, who has just taken his seat, has seen fit \* \* \* to enter upon a discussion as to the nature of the Federal government, and the relations of the states to that government under the Constitution which they created. Never in all my studies of the political history of this country, never in all my knowledge of the political debates which have taken place in the Congress of the United States, have I heard such views of consolidation advanced as have been suggested to-day by that gentleman.

He advanced the extraordinary proposition that the Union preceded the states, when the seventh article of the Constitution declares :

"The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same."

But in order that all doubt might be removed upon the subject that the Constitution and the Union were the creature of the states, it was declared in the tenth amendment of the Constitution :

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Nor is the opinion of the highest judicial tribunal in this country wanting upon this proposition.

In the case of Lane County *vs.* Oregon the following is the decision of Chief-Justice Chase, to be found on page 76 of 7 Wallace:

"The people of the United States constitute one nation, under one government, and this government within the scope of the powers with which it is invested, is supreme. On the other hand, the people of each state compose a state having its own government, and endowed with all the functions essential to separate and independent existence. *The states disunited might continue to exist. Without the states in union there could be no such political body as the United States.*"

At the beginning of this session of Congress the Democratic party declared three propositions. We insisted that the army should be kept away from the polls; that the test oath should be repealed; and that laws should be enacted for the impartial drawing of jurors, and that the Federal government should not exercise authority over elections held within the states. We insisted and maintained that because of and by virtue of the constitutional provision that the House of Representatives alone shall originate money bills, the representatives of the people had the right to insist that the grievances of which they complained should be remedied before appropriations should be made for the support of the government.

We said that the measures to which we objected were unconstitutional; we said that there was no such person as a voter of the United States as such; that every man who had a right to vote had it because of state authority and under state laws, and that therefore the Federal government, not creating the voter, had no power to interfere with him in the exercise of his rights of franchise.

We insisted that under the laws as they now stand there is no such thing as a national election; that under the provisions of the Constitution in order that there should be a national election it was fundamental that Congress should fix the places, times and manner of holding such election. In that event there might be a national election, but that is not this case, for in every instance the times, places, and manner of holding elections are fixed by the constitution and the laws of the states, except in a single instance as to the time. The states having exercised power upon the subject, there is no occasion for the exercise of power by the United States, and to say that the United States and each state at the same time possess the power of fixing the time, place and manner of holding elections is to say that two sovereignties possess the power to do the same thing at the same time on the same subject-matter, which is itself an absurdity. We maintain as to the army that it being a creature of Congress, it has no power to be within the limits of the sovereign states, except as the Constitution of the United States provides, and then only for the purpose of suppressing domestic insurrection or repelling the armed enemies of the United States, and then only at the request of the legislature thereof, or the executive of the state, if the legislature be not in session.

And in the history of this government, from the day of its foundation until now, the veto power was never before exercised to prevent the repeal of a law or to prevent the enactment of a general appropriation bill. Certainly never before was the veto power exercised to practically take away from one of the two Houses of Congress a power which is conferred upon it separately by the provisions of the Constitution itself. The power to originate bills of revenue is a power which belongs to us, and it is a power which, if the President interferes with it as he has done by this veto in this case, he can absolutely take away from us.

What reasons have been urged for these extraordinary vetoes? Chiefly that the bills we sought to pass took away from the executive authority power to enforce the law. Because we would not let him use the army on election day to keep the peace at the polls, he said we took away from him the power to enforce the laws. Sir, the army is a creature of Congress. The Constitution declares that the Congress may raise an army. The Constitution declares that appropriations for the army shall not last longer than two years. The Constitution declares that Congress may make rules and regulations for the government of the army; rules and regulations—"rules" coming first, "regulations" afterward. Therefore the army is absolutely the creature of Congress. Whether it shall be used to execute the laws or not is for Congress to say, and not for the President. He must take the army as we give it to him, for the purposes which we declare it shall be used for, we being the power to create it.

In the Forty-fifth Congress we said to the President, your army—our army, I mean—our army shall not be used as a *posse comitatus*. In the Forty-sixth Congress we have said our army shall not be used as a part of the police force. And before the Forty-sixth Congress shall have closed its term I say to gentleman that we will have taken from the statute-book every law which proposes to use this creature of ours at the polls to intimidate American citizens in the exercise of their highest prerogative.

Mr. Chairman, this extra session has made up the issue between the two parties. The Democratic party declare that the army shall be kept from the polls; that juries shall be impartially drawn; that the test oath shall be repealed, and that the Federal authority shall not interfere in elections within the states. Upon that question the Republican party takes issue with us. Confidently appealing only to the patriotism of the country, the Democratic party goes into this contest. Never in all the history of this land have more important questions been submitted to the American people for their determination.

#### THE BILL VETOED.

Mr. Cobb demanded the previous question on the passage of the bill, and Mr. Conger called for the yeas and nays. The question being taken the bill passed—yeas 89, nays 69—MR. GARFIELD voting NAY.

The bill then went to the Senate and was passed without amendment on June 28th. On the 30th day of same month it was vetoed by Mr. Hayes. The veto message being read the question was, "Will the House, on reconsideration, agree to pass the bill notwithstanding the objections of the President?" The yeas and



nays being demanded, the vote stood, yeas 85, nays 63, MR. GARFIELD again recording his vote in the *negative*. Two-thirds not voting in the affirmative the bill was lost.

No appropriations were made at the first session of the Forty-sixth Congress for the pay of marshals and their general deputies.

#### THE ELECTION LAWS AT THE SECOND SESSION FORTY-SIXTH CONGRESS.

At the second session of the Forty-sixth Congress the *de facto* President, February 25, 1880, asked Congress in a special message to make appropriations for the pay of the marshals for the current fiscal year. A general deficiency bill was reported from the Committee of Appropriations providing, among other things, for the pay of the marshals, with restrictive legislation in regard to the duties of Federal election officers. The amount appropriated for the pay of marshals was ample—\$600,000 for that current year. There was no election that year and the prohibition that none of it should be applied to the payment of expenses incurred or to be incurred for election officers applied only to deficiencies on account of liabilities incurred for an election in the state of California, or to what might be unexpended. The pay of the special marshals for the election in California, \$7,600, had been guaranteed by the Republican State Committee, and therefore it was a private obligation.

Gen. Garfield opposed the bill on the ground that it was a nullification of existing laws. He claimed that under sections 2011 and 2012, Revised Statutes, the Judges of the Circuit Courts of the United States were bound to appoint these election officers. This was literally begging the question. The law requires the judges to appoint supervisors only—not deputy marshals. They are to be appointed by the marshals. The amendments to the election laws proposed by the Democrats did not do away with supervisors. They only curtailed some of their powers and repealed the unwonted powers given to special deputy marshals. The deficiency bill prohibited payment only to these deputies. The marshals knew before they appointed them that Congress had not provided for their payment, and they and those they appointed acted upon their own responsibility in appointing and accepting. The Revised Statutes, section 3679, specifically prohibits the expenditure of any money or the incurring of any *liabilities* without appropriations made for the same, or in excess of appropriations. Therefore the marshals violated this law in appointing deputies, and the Department of Justice violated it in permitting the marshals to incur the *liability* of paying these deputies.

#### REPUBLICAN AUTHORITY QUOTED.

Mr. Warner, of Ohio, made a speech in which he elaborately argued the right of the House to control money bills and the object for which appropriations should be made. He quoted not only from the Fathers of the Republic to show that this had been their view of the power of the House and of Congress, but from the great lights of the Republican party, Mr. Sumner, Mr. Fessenden, Mr. Hale, Mr. Seward, Mr. Wilson, Mr. Giddings and Mr. Wade.

Mr. Woods, Senator from Ohio, said :

Must the people's House of Representatives sit with their arms folded, and although the Constitution of the United States confers emphatically upon them the power to originate all revenue bills (which comprises the power to place these grants of money on such conditions as they see fit,) must they refrain from exercising their authority in an emergency like this? Is this the liberty of the American citizen, that the people's House, where there really is a representation of the people, where the wisdom of the fathers placed the taxing power, are leading to revolution by annexing a condition to the appropriation of the people's money a most wholesome restraint, putting a curb in the mouth of the traitor who sits in the executive chair, now stimulating this country as fast as he can do it to a civil war?

John P. Hale, of New Hampshire, said :

Mr. President, I understand this principle to be the great principle of English liberty incorporated in our Constitution, and it is the only resource by which the Parliament of Great Britain have held the king in check. If we surrender it we shall give our own Executive an arbitrary power unknown to the Constitution, and not vested in the king of England. It is the only principle that is left of popular government by which the supremacy of the popular will can be maintained in this country or in England, and if we give it up to-day, we may just as well give up the experiment.

Joshua R. Giddings spoke in the same way :

I take the position which I have always maintained here for myself, and which I am unwilling in the midst of passing events to leave unproclaimed on this floor, and that is that the people have a perfect unlimited control of their own funds. We are the representatives of the people here. We are their agents, sent here to deal out their funds, and it is not for the Senate or for the Executive to say that we shall appropriate them to any object revolting to the proper sense of justice and propriety. I lay down this as a principle too old and too well understood to be disputed at this day.

Mr. Seward, recognized by all parties as a statesman of high rank, said :

Since the House of Representatives has power to pass such a bill distinctly, it has power, also, to place an equivalent prohibition in any bill which it has constitutional power to pass. And so it has a constitutional right to place the prohibition in the annual Army Appropriation bill.

I grant that this mode of reaching the object proposed is in some respects an unusual one, and in some respects an inconvenient one. It is not, therefore, however, an unconstitutional one, or even necessarily a wrong one.

It is a right one if it is necessary to effect the object desired, and if that object is one that is in itself just and eminently important to the peace and happiness of the country or to the security of the liberties of the people.

Mr. Wilson, afterward Vice-President, went so far as to step even on the dangerous ground so bitterly condemned now by the other side of the House, and which I also in part condemn. Mr. Wilson says :

"The House of Representatives," says Mr. Madison, "cannot only refuse, but they alone can propose the supplies requisite for the support of the government." This declaration is full, ample, complete. If the House can refuse the supplies requisite for the support of the government, if it possesses this complete and effective weapon for obtaining a redress of every grievance and for carrying into effect every just and salutary measure, the occasion surely demands the full exercise of that power of the House; and in its firm exercise, to use the words of Madison, it will be sustained by the consciousness of being supported in its demands by right, by reason, and by the Constitution.

#### GENERAL GARFIELD SUGGESTS AN AMENDMENT.

On March 19, 1880, while this bill was being considered in the Committee of the Whole, Mr. Springer, from the Committee on Elections, acting upon a suggestion—a proposition made the day before by Gen. Garfield—offered the following amendment to an amendment which had been offered by the Republicans to appropriate \$7,600 for the pay of the special deputy marshals in California :

Amend the amendment by adding thereto the following :

For special deputy marshals of elections, the sum of \$7,600 ; *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$2 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the Circuit Court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge, and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall each be of different political parties, of good character, and able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. Hitchcock, of New York, and Mr. Keifer, of Ohio, both made points of order on the amendment, and opposed it on its merits. In the progress of the debate on this amendment, Gen. Garfield said :

Mr. Garfield: Do I understand the Chair to hold that the vote on one branch of the amendment would cut off debate upon the second branch?

The Chairman: The Chair thinks it would. It is all one amendment; and if there is to be any debate upon it, it should take place before any vote is taken.

Mr. Garfield: Mr. Chairman, I desire to offer an amendment to the second branch—

The Chairman: That is not in order.

Mr. Springer: I will hear the gentleman's amendment; perhaps I will accept it.

Mr. Garfield: It is to strike out all after the words "in the absence of the circuit judge," where they occur in the last line of the *Record* print, page 39. I speak for nobody but myself, but I will vote for the amendment if all following these words be struck out.



A Member: What is the effect?

Mr. Springer: I cannot accept that amendment.

Mr. Garfield: I do not ask the gentleman to accept it. This is not a contract.

The Chairman: The Chair will state to the gentleman from Ohio (Mr. Garfield) that the Committee on Appropriations has reported back this bill, recommending the adoption of an amendment making an appropriation of \$600,000 to pay marshals and their general deputies. To that amendment the gentleman from Illinois has proposed an amendment. Therefore not only an amendment, but an amendment to the amendment, is now pending; and at present no further amendment is in order under the rules.

Mr. Garfield: Would it be in order to offer a substitute for the whole amendment of the gentleman from Illinois?

The Chairman: That can be done.

#### GARFIELD'S AMENDMENT IN HÆC VERBA.

Mr. Garfield: Then I offer as a substitute the amendment of the gentleman from Illinois, with these modifications: inserting \$5 a day instead of \$2 a day, and omitting everything after the words "in the absence of the circuit judge."

The proposed substitute was read, as follows:

"And for special deputy marshals of elections, the sum of \$7,600; *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge."

\* \* \* \* \*

Mr. Simonton: I desire to make a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Simonton: Is the substitute of the gentleman from Ohio open to amendment?

The Chairman: One amendment may be offered to that substitute.

Mr. Simonton: Then I offer as an amendment to the substitute what I send to the desk.

The clerk read as follows:

"Strike out '\$5' and insert '\$2,' and after the word 'judge' insert 'and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall be of different political parties; and if there are more than two political parties having tickets to be voted for, no two of said deputy marshals shall be appointed from the same party. And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed."

Mr. Conger: That is the original proposition.

The Chairman: The Chair thinks it is substantially the same thing, but it is offered as an amendment to the substitute.

Mr. Conger: Marshals of three political parties were provided for by the modification of the amendment of the gentleman from Illinois [Mr. Springer], and this is virtually restoring the original proposition.

The Chairman: There is no doubt about that; but the Chair cannot rule it out on that account.

Mr. Springer: Is the modification of the gentleman from Tennessee [Mr. Simonton] now before the committee?

The Chairman: It is.

Mr. Horr: I desire to oppose the amendment.

Mr. Springer: I rise to support it.

Mr. Simonton: I will yield my time to the gentleman from Illinois [Mr. Springer].

The Chairman: The Chair will first recognize the gentleman from Illinois, to support the amendment, after which he will recognize the gentleman from Michigan [Mr. Horr].

#### HE FURTHER AMENDS.

Mr. Springer: I regret that the gentleman from Ohio [Mr. Garfield] should so soon have retreated from the position which he took in this house yesterday.

Mr. Garfield: I have not retreated from it at all.

Mr. Springer: The gentleman says he has not retreated.

Mr. Garfield: Not at all.

Mr. Springer: I will read from the *Record* to show whether the gentleman has retreated or not. The gentleman said:

"We offered last session to let the law be changed so that these officers should be appointed from the two parties. I distinctly held that out as a standing offer; and, so far as I am concerned, that 'lamp still holds out to burn.'"

Now, that gentleman comes in with a substitute, and proposes to leave out the very portion of my amendment which provides that these officers shall be appointed from different political parties. Is not that true?

Mr. Garfield: If the gentleman will allow me, I will say that I am entirely willing to put that in. I had not in the moment allowed me the time to prepare carefully the whole amendment. The part to which I objected, and which I wanted to get stricken out, was that part which limited us to three marshals to keep the peace in a precinct where there might be a riot of several thousand persons.

Mr. Springer: Then the gentleman moved to strike out "three," and insert "as many as the Court may deem necessary."

Mr. Garfield: Very well, but I will not take your three-marshal proposition.

Mr. Springer: It seems to be difficult to frame a proposition to which the gentleman will agree.

Mr. Garfield: Restricting the number of marshals to three for a whole voting precinct was never a part of any proposition suggested by the other side yesterday, or accepted by us on this side. That is what I objected to.

Mr. Springer: If the gentleman desired to remedy that, it was his province to move an amendment as to the number.

Mr. Garfield: I am willing to do so now.

Mr. Springer: The gentleman did not do so, but moved an amendment in regard to the political complexion of these marshals.

Mr. McMahon: If the gentleman will permit me, I will say to my colleague from Ohio [Mr. Garfield] that he seems to forget that the law is not interfered with at all which permits general deputy marshals to be present at the polls; and under the statute they may be appointed to an unlimited number.

Mr. Garfield: Not under this amendment. This amendment limits the number to three, of general and special deputies. The point I make against the amendment as it stands is, that in all cases of doubt, danger and disturbance, the government of the United States can have but three officers empowered to keep the peace against a riot, however large.

#### GENERAL GARFIELD'S AMENDMENT ACCEPTED.

Mr. Springer: I will say to the gentleman from Ohio that I have no objection to leaving to the discretion of the Court the power to appoint a sufficient number in each precinct to keep the peace at the polls. I desire a free and fair expression of the popular will at every poll in the United States. The Democratic party desires such free and fair expressions of the people's will at every poll in the United States.

Mr. Reed: It must be a recently-born desire.

Mr. Springer: And any one who asserts that the Democratic party desires to commit or permit fraud at any poll in the United States, asserts that which is not true, and which is not supported by the history of the Democratic party in the past.

I ask the members of the Democratic party on this floor, I ask the Republicans on the other side of this House, to support this amendment, or the substance of it, in order that this vexed question of deputy marshals at the polls may be settled by this House in such manner as to give satisfaction to all the people of this country, and to take the subject out of all the discussions of political parties.

We all say that we desire fair and free elections. Gentlemen on the other side must understand that it is not fair to surround the polls with an unlimited number of their own partisans, paid out of the treasury of the United States, for the purpose of electioneering in behalf of their own party candidates. You know that is not fair. I ask you to remedy it. You can remedy it by voting for this amendment. If you do not remedy it, but contend for the right to surround all the polls of the United States with your own paid partisans, in order to electioneer for your party candidates, you will be asking for that which you know is not right, and which is not sustained by the law.

\* \* \* \* \*

#### GENERAL GARFIELD WRITES IT OUT.

Mr. Garfield: I have written out a modification in the form of an additional clause.

The Chairman: The clerk will report the substitute as now modified.

The Clerk read as follows:

"For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals, or of general deputy marshals, having any duty to perform in respect to any election, shall be made by the Judge of the Circuit Court of the United States for the district in which such marshals are to perform their duties, or by the District Judge in the absence of the Circuit Judge; said special deputies to be appointed in equal numbers from the different political parties."

Mr. Garfield: I modify the substitute further by striking out the words "and general deputy marshals," as the amendment ought to relate to special deputies only.

Mr. Springer: I object to that modification.

The Chairman: The gentleman has the right to modify his own substitute.

Mr. Field: I desire to call the attention of the gentleman from Ohio to one point. The provision is, that in the absence of the Circuit Judge these officers shall be appointed by the District Judge.

Mr. Garfield: Yes, sir.

Mr. Field: I suggest that the words "of the district" be inserted.

Mr. Garfield: Very well; I modify the amendment further by inserting after "district judge" the words "of the district."

The amendment of Mr. Simonton to the substitute of Mr. Garfield was read, as follows:

"Strike out '\$5' and insert '\$2'; and after the word 'judge' insert:

"And not less than two nor more than three appointments shall be made for any voting precinct where appointments are required to be made; and the persons so appointed shall be of different political parties; and if there are more than two political parties having tickets to be voted for, no two of said deputy marshals shall be appointed from the same party. And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed."

Mr. Keifer: I should like, if we are going to vote on the amendment of my colleague [Mr. Garfield] to have the clerk read that substitute, as it would be if adopted.

The amendment was read.

The Chairman: The Chair understands the gentleman from Tennessee to modify his amendment so as make it come in at the end of the substitute as originally offered.

Mr. Simonton: Before the word "said" and after the word "judge."

The question recurred on Mr. Simonton's amendment to Mr. Garfield's substitute.

The committee divided, and there were—ayes 105, noes 103.

Mr. Garfield demanded tellers.

Tellers were ordered; and Mr. Garfield and Mr. Simonton were appointed.

The committee again divided; and the tellers reported—ayes 117, noes 114.

So the amendment to the amendment was agreed to.



## SPEAKER RANDALL WELCOMES GARFIELD'S PROPOSITION.

MARCH 20, 1880.—Mr. Randall (the Speaker) : I renew the *pro forma* amendment. The issue between the two sides has been very much narrowed during the discussion to-day. This law is on the statute-book ; many of us believe that it is unconstitutional. The effect of the amendment proposed by the gentleman from Illinois [Mr. Springer] is to take in part from that law a partisan administration of its provisions. It has been distinctly asserted on the other side by several who have addressed the House this morning that they will not be satisfied with any compromise or with any change of the existing law in these respects. We are ready to meet that issue. We say that if special deputy marshals are to be used at elections, whatever may be the opinion as to the constitutionality of such a law, those officers should be divided between the two or three political parties contending at such election. We say that when we come to vote the money to carry out such law we will not vote it to be used for any partisan purposes. We want the money to be used for no party ends whatever, but only for the purpose of carrying out the act which is on the statute-book, but which you declare it to be your purpose to administer as has been heretofore done.

Mr. Robeson : The gentleman says "for no party end." Did not the gentleman from Ohio [Mr. McMahon] stand here ten minutes ago and say that he did this for a party end, that they would take this now for the advantage which they could get from it, and afterward, having obtained that vantage-ground, they would sweep all the law from the statute-book ? [Applause on the Republican side.]

Mr. Randall (the Speaker) : In answer to the gentleman, allow me to say that I take no one man's word on this side of the House. I take the acts of the party who have the officers to execute this law in contradistinction to the words of anybody. You have administered this law in an outrageous and unjustifiable manner. [Applause on the Democratic side.] And in endeavoring to modify that law here to-day we do no more than to ask that it shall be made to exercise its powers upon all alike, and that those who administer the law shall be drawn from the great body of the people, without reference to party associations or affiliations. [Renewed applause on the Democratic side.]

The friends of the gentleman from Ohio [Mr. Garfield] assert that he did not take the position during the extra session of this Congress which it has been said he took. I ask to have read what the gentleman proposed as an amendment to this very bill and what he said at the time.

Mr. Hawley : We know what he said, and a great many of us would say the same thing.

The Chairman : The clerk will read what has been sent up by the gentleman from Pennsylvania [Mr. Randall].

The clerk read as follows :

Mr. Garfield : I modify the substitute further by striking out the words "and general deputy marshals," as the amendment ought to relate to special deputies only.

Mr. Springer : I object to that modification.

The Chairman : The gentleman has a right to modify his own substitute.

Mr. Field : I desire to call the attention of the gentleman from Ohio to one point. The provision is that in the absence of the circuit judge these officers shall be appointed by the district judge.

Mr. Garfield : Yes, sir.

Mr. Field : I suggest that the words "of the district" be inserted.

Mr. Garfield : Very well ; I modify the amendment further by inserting after "district judge" the words "of the district."

Mr. Randall (the Speaker) : I ask the clerk now to read the last two lines of the amendment offered by the gentleman from Ohio [Mr. Garfield].

The clerk read as follows :

Said special deputies to be appointed in equal numbers from the different political parties.

\* \* \* \* \*

## I WILL VOTE FOR IT, I SWEAR I WILL

Mr. Garfield : We are equals here, each having rights equal to every other, and nobody having any authority to bind any but himself. With that preface, I will speak for myself.

The first object which I try to keep before my mind in legislation is to be right. And on this question of the election laws, during the long and heated session of debate last summer, in which all sorts of accusations were made against them by gentlemen on the other side, there was made but one lodgment in my mind of a just criticism upon them. There was one charge made by the other side, and in so far as it was true I consider it a just objection to the law. It was that the law had been used, or was capable of being used, to fill election precincts with men of one party whose time might be employed at the public expense for party electioneering purposes.

I say in so far as that law can be so used to that extent it is unjust ; and at all times and on all proper occasions I have declared, and I now declare myself, willing to modify the law so that the alleged abuse cannot take place. [Applause on the Democratic side.] That I say for myself, and will continue to say it. No other valid objection to this law was, in my judgment, made by anybody during the last session of this Congress or since.

\* \* \* \* \*

## BUT GARFIELD HADN'T HEARD FROM HIS PARTY.

Mr. McMahon : There is no accounting for gentlemen's taste who like pickles. If the gentleman is pleased, we are. I assert that my colleague [Mr. Garfield] inaugurated it. Time was given him for discussion when I tried to close debate. He came in with a prepared speech, endeavoring to place us in a false position. I undertook to reply in my feeble way. In the course of that argument, repudiating the interpretation the gentleman had put upon my speech, I said we desired a modification of the election laws ; that, if constitutional, they were not good laws ; that if they were modified we might vote money in the future for the purpose of carrying them out. Thereupon my colleague from the state of Ohio said to me on the floor that he had offered a proposition to appoint these marshals, by the court, from all parties at the last session, and that—

"While the lamp holds out to burn,  
The vilest sinner may return."

And that the lamp was still burning, and he was ready to modify them. We acted on his words. We took it as an offer of compromise in good faith. Your stalwart men shout, "No compromise!" We acted on my colleague's offer, made on Wednesday last. The Committee on Elections met next morning and agreed upon the amendment, now pending, of my friend from Illinois [Mr. Springer], who brought it into the House and offered it under the rules, as he had a right to do. We thought when the offer contained in this amendment was made to gentlemen on that side, it would be accepted. But it seems to be objectionable in various ways, especially in limiting the number of deputies who may be appointed.

The amendment I have just now offered, which I hope our friends on this side will accept without dissent, as well as gentlemen on the other, is precisely the amendment my colleague from the state of Ohio [Mr. Garfield] offered yesterday in the House, without the crossing of a *t* or the dotting of an *i*, which proposition he has always said he will support, and which he has just now said he will vote for "if no other man does."

\* \* \* \* \*

#### GENERAL GARFIELD AND TWEEDLEDEE AND TWEEDLEDUM.

Same day the amendment of General Garfield, slightly modified, was adopted in Committee of the Whole. The committee rose, reported the bill, with amendments, to the House. The amendment above referred to was read. We print side by side General Garfield's amendment with that adopted by the Committee of the Whole.

#### GENERAL GARFIELD'S AMENDMENT.

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections and *general deputy marshals*, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that *all* appointments of such special deputy marshals or of *general deputy marshals having any duty to perform in respect to any election* shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge of the district in the absence of the circuit judge; *said* special deputies to be appointed in equal numbers from the different political parties.

*The words in italics above are not in the amendment adopted by the Committee of the Whole.*

#### AMENDMENT OF THE COMMITTEE OF THE WHOLE.

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections for performing any duties in reference to any election shall receive the sum of \$5 per day in full for their compensation, and that the appointments of such special deputy marshals shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties or by the district judge in the absence of the circuit judge, *such* special deputies to be appointed in equal numbers from the different political parties; and the persons so appointed shall be persons of good moral character and shall be well-known residents of the voting precinct in which their duties are to be performed.

*The words in italics above are not in General Garfield's amendment.*

The yeas and nays were called on the adoption of this amendment. *General Garfield voted no* against his own measure.

The yeas and nays were as follows:

**YEAS.**—Atherton, Atkins, Bachman, Belford, Beltzhoover, Berry, Bicknell, Bland, Bliss, Blount, Bouck, Bright, Butterworth, Cabell, Carlisle, Clardy, Clark, John B., Cobb, Coffroth, Colerick, Cook, Covert, Cravens, Culbertson, Davis, Joseph J., Davis, Lowndes H., De La Matyr, Deuster, Dibrell, Dickey, Ellis, Evins, Finley, Forney, Frost, Geddes, Gibson, Goode, Gunter, Hammond, N. J., Harris, John T., Hatch, Henkle, Henry, Herbert, Herndon, Hostetler, House, Hull, Hunton, Hutchins, Johnston, Kenna, Kimmel, King, Kitchin, Klorz, Knott, Ladd, Lewis, Manning, Martin, Benj. F., Martin, Edward L., McMahon, McMillin, Mills, Morrison, Morse, Muldrow, Murch, Meyers, New, Nicholls, O'Connor, O'Reilly, Persons, Phelps, Phillips, Plister, Poehler, Reagan, Richardson, J. S., Robertson, Rothwell, Samford, Sawyer, Scales, Shelley, Simonton, Singleton, O. R., Slemons, Speer, Springer, Streele, Stevenson, Talbott, Taylor, Thompson, P. B., Tilman, Townshend, R. W., Tucker, Upson, Vance, Waddill, Warner, Weaver, Wellborn, Wells, Whitthorne, Williams, Thomas, Willis, Wilson, Wood, Fernando, Wright, Young, Casey—115.

**NAYS.**—Aldrich, N. W., Aldrich, William, Anderson, Armfield, Baker, Bailon, Barber, Bayne, Bingham, Blackburn, Blake, Bowman, Brewer, Briggs, Brigham, Browne, Burrows, Calkins, Camp, Cannon, Carpenter, Claflin, Conser, Converse, Cowgill, Davis, George R., Davis, Horace, Deering, Dennell, Dwight, Einstein, Errett, Farr, Ferdon, Field, Fisher, Ford, Fort, Frye, GARFIELD, Godshalk, Hammond, John, Harris, Benj. W., Hawk, Hawley, Hayes, Hazelton, Henderson, Hisecock, Hooker, Houk, Humphrey, Hurd, James, Jones, Joyce, Lindsey, Marsh, Martin, Joseph J., Mason, McCoid, McKenzie, McKinley, Miles, Monroe, Morton, Neal, Newberry, Norcross, O'Neill, Orth, Osmer, Overton, Pacheco, Paine, Pierce, Reed, Rice, Richardson, D. P., Robeson, Robinson, Russell, Daniel L., Russell, W. A., Ryan, Thomas, Shallenberger, Sherwin, Smith, A. Herr, Smith, William E., Starin, Stone, Thomas, Thompson, Wm. G., Townsend, Amos, Turner, Oscar, Tyler, Updegraff, J. T., Updegraff, Thomas, Valentine, Van Aernam, Voorhis, Wait, Washburn, Williams, C. G., Willis, Wood, Walter A., Yocum, Young, Thomas L.—107.

**NOT VOTING.**—Acklen, Aiken, Bailey, Barlow, Beale, Boyd, Bragg, Buckner, Caldwell, Caswell, Chalmers, Chittenden, Clark, Alvah A., Clymer, Cox, Crapo, Crowley, Daggett, Davidson, Dick, Dunn, Elam, Ewing, Felton, Forsythe, Gillette, Hall, Harner, Haskell, Heilman, Hill, Horr, Hubbell, Jorgensen, Keifer, Kelley, Ketcham, Killinger, Lapham, Le Fevre, Loring, Lounsberry, Lowe, McCook, McGowan, McLane, Miller, Mitchell, Money, Muller, O'Brien, Pound, Prescott, Price, Richmond, Ross, Ryon, John W., Sapp, Singleton, J. W., Smith, Hezekiah B., Sparks, Stephens, Turner, Thomas, Urner, Van Voorhis, Ward, White, Whiteaker, Wilber, Wise—70.



## GENERAL GARFIELD AGAIN CHANGES FRONT.

The same day the bill as amended passed the House. On April 18, the bill with Senate amendments was reported to the House from the Committee of Appropriations, recommending concurrence in some and non-concurrence in other of the Senate amendments. April 21 McMahon, in charge of the bill, wanted the bill considered with five minutes debate. The Republicans demanded one hour and a half. They filibustered to prevent a vote on Mr. McMahon's motion to limit debate to five minutes. April 23, bill came up again and an agreement was reached allowing the Republicans one hour and the Democrats twenty minutes. In this debate General Garfield again changed front and came to the support of the amendment of the Committee of the Whole, which was practically his amendment. He had voted against it March 20, thirty-three days before, but now he thought it was almost altogether good. He said :

The theory of our government is that in the last civil resort we summon all men without distinction of party to act as conservators of the peace. If the by-standers, without distinction of party, can be trusted to perform this important duty, surely we can trust such as the court on its highest responsibility shall appoint to aid in securing a fair election. It ought constantly to be remembered that no one of these special deputy marshals has any power to put down a riot at the polls, unless the marshal, under his hand and seal, in writing, shall specially empower such special deputy to do that thing. And let it also be remembered that this amendment in no way interferes with the power of the marshal to appoint as many general deputy marshals as may be needed to suppress disorder.

I hope I am not altogether a dreamer, forgetful of practical necessities, but I have never been able to see why this measure cannot be executed fully, thoroughly, and justly, provided its language makes it a part of the election law. My friend from Maine [Mr. Reed] has raised some doubt on that point, and in so far as that doubt is justified, it is a fair argument against the clause. But we should look beyond the mere word of the amendment to the objects of national good it may be made to accomplish. I care but little for it as a mere settlement of a present party controversy.

No thoughtful man can fail to see great danger in a close and bitterly contested national election. In common with my party associates I believe that these election laws are great and beneficent safeguards to the fair and free expression of the national will. Now, if the adoption of a measure like this will harness the two great political parties to these election laws, by the bonds of common consent and mutual co-operation for their enforcement, it will be a benefit that will far outweigh any slight advantage that can be gained by retaining wholly within our party the appointment of a few officers to aid the supervisors. I believe this measure will not weaken but will strengthen the authority of the election laws, and will remove from them the only reasonable ground of complaint that the other side have made against them.

A committee of conference was appointed to which the bill went. The Senate amendments were not *political* and they were insisted upon by the conference on the part of that body. The conference disagreed. The House, April 27, insisted upon its disagreement. The bill finally passed both Houses and went to the *de facto* President, who, on May 5, returned it with his objections. His veto was based solely on the ground of opposition to legislation on appropriation bills.

## GEN. GARFIELD'S AMENDMENT PASSED AS AN INDEPENDENT BILL.

On June 11 the House passed as an independent measure—the amendment to the Deficiency Bill, which Gen. Garfield, on April 23d, had declared he was so decidedly in favor of. The bill had passed the Senate, was reported from the House Judiciary Committee, and was discussed at some length in the House, Mr. Keifer, of Ohio, and Mr. Lupton, of New York, and other Republicans opposing it. The bill was as follows :

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act the pay of all deputy marshals for services in reference to any election shall be five dollars for each day of actual service, and no more.

Sec. 2. That all deputy marshals to serve in reference to any election shall be appointed by the Circuit Court of the United States for the district in which such marshals are to perform their duties in each year; and the judges of the several circuit courts of the United States are hereby authorized to open their respective courts at any time for that purpose, and in case the circuit courts shall not be open for that purpose at least ten days prior to a registration, if there be one, or if no registration be required, then at least ten days before such election, the judges of the District Courts of the United States are hereby respectively authorized to cause their courts to be opened for the purpose of appointing such deputy marshals, who shall be appointed by the said district courts; and the officers so appointed shall be in equal numbers from the different political parties and shall be well-known citizens, of good moral character, and actual residents of the voting precincts in which their duties are to be performed, and shall not be candidates for any office at such election; and all laws and parts of laws inconsistent with this act are hereby repealed; *Provided*, that the marshals of the

United States for whom deputies shall be appointed by the court under this act shall not be liable for any of the acts of such deputies.

Mr. Hayes vetoed this bill—the same measure substantially which Gen. Garfield suggested, which he advocated but which he did not vote for.

A Deficiency Bill was passed, which was approved, providing for the payment of marshals' fees and those of their general deputies, but prohibiting any of the money so appropriated to be paid for services of special deputies.



## THE PACIFIC MAIL STEAL.

### GARFIELD'S PART, AS SHOWN BY THE RECORD.

In the winter and spring of 1871-2, the Pacific Mail Steamship Company sent Richard B. Irwin to Washington to buy through Congress a subsidy for an additional monthly mail service between San Francisco, Japan and China. By an act approved Feb. 17, 1865, Congress provided for a monthly mail service between San Francisco and some Chinese ports, including the port of Honolulu and a port in Japan, to be performed by American steamships of not less than 3,000 tons burden each, of sufficient number to make twelve round trips per annum. The project of the Pacific Mail Steamship Company in 1871-2 was to have Congress provide for additional monthly service, or, in other words, double the mail service between San Francisco, Japan and China, and double their subsidy. Irwin came to Washington in January, 1872, took a large furnished house, employed a caterer, a French cook, and a large retinue of servants, and began to feel the ground by giving a series of elaborate entertainments to members of Congress. Of course, the first important object of this preliminary survey of the field of operations was to establish friendly relations with the leading men of the Committee of Appropriations of the House of Representatives. The two leading members of that committee were James A. Garfield, the chairman, and Aaron A. Sargent, who was second on the committee. Sargent, coming from California, was naturally the friend of the Pacific Mail and earnestly in favor of the largest possible subsidy for the China mail service. He was, moreover, well known to Irwin, who for some years previous had been in charge of the Pacific Mail interest at San Francisco. Irwin had another old friend in Washington whose services in the undertaking were very valuable. This was Donn Piatt. He was the particular friend of James A. Garfield, and had for several years done a profitable business as a lobbyist, through his influence with the Chairman of the Committee on Appropriations. He was at that time in receipt of 5 per cent. of the gross amount of whatever appropriations he could obtain for a worthless moth preventive and water-repellant process owned by George A. Cowles & Co., of Philadelphia, and used, against the wishes of the War Department, in treating soldiers' clothing and tents. Col. Richard C. Parsons, of Cleveland, Ohio, then Marshal of the Supreme Court of the United States, the same individual employed by Chittenden, the agent of DeGolyer & McClellan, to reach Gen. Garfield, was an old acquaintance of Mr. A. B. Stockwell, President of the Pacific Mail Steamship Company. Stockwell employed Parsons to assist Irwin in Washington, and he was paid, first and last, \$13,500, of which \$1,500 came through Irwin.

### PROVIDING THE SINEWS OF WAR.

The ground having been felt by Irwin, and the preliminary arrangements made, the serious operations began. The executive committee of the Board of

Directors of the Pacific Mail Steamship Company held a meeting Feb. 14, 1872, in New York, and passed the following resolution:

*Resolved*, that the President, in his discretion, is hereby authorized to employ counsel and incur such other necessary expense as may be necessary in connection with the measures for additional subsidy now pending before Congress.

On Feb. 21, 1872, this resolution passed by the executive committee was, at a meeting of the board of directors, approved and ratified.

A. B. Stockwell, the President of the Pacific Mail Steamship Company, wrote to R. B. Irwin as follows:

OFFICE OF PACIFIC MAIL STEAMSHIP COMPANY, }  
New York, Feb. 13, 1872. }

*Dear Sir*: I enclose checks to my order indorsed to your order for \$250,000, \$110,000 and \$40,000, which are placed in your hands to be used in payment of your services in case of the passage and approval by the President of the bill or amendment providing for the increase of our China mail service to semi-monthly trips, with a subsidy of \$500,000 a year for ten years, said compensation to be reduced pro rata in the event of a reduction of the amount appropriated as above. None of these checks to be used by you, but all to be returned to me in the event of failure, excepting only the last named (\$40,000), all or any portion of which you may apply, if actually required, for your necessary expenses and for counsel's fees. Very respectfully yours,

RICHARD B. IRWIN, Esq.

A. B. STOCKWELL.

To which Irwin in substance replied that his understanding was that the contingent amount was to be \$500,000 and that at the proper time he would call upon him for checks for the additional amount. Mr. Stockwell subsequently wrote as follows to Irwin

OFFICE OF PACIFIC MAIL STEAMSHIP COMPANY, }  
New York, May 4, 1872. }

*Dear Sir*: Yours of the 3d to hand. We are much encouraged by the result yesterday, were it not for the demands to-day. When we were defeated in the "House," you said to me there was *some good to come of it*; that if we did get our bill *it would cost less*. I don't think it wise for the company to give their check in this matter. Notwithstanding, I *now* enclose the four checks for \$100,000 each, as you desire, but if they must be used, I would prefer my checks to be substituted for these, but, as I say above, I *send them* because I want to do everything to insure success. Of course, you will return me *my checks* for \$250,000, previously sent you.

Mr. R. B. IRWIN.

Yours, very respectfully,

A. B. STOCKWELL.

Mr. Irwin retained one of these \$100,000 checks of the Pacific Mail Steamship Company, together with the \$40,000 check of Feb. 13, 1872, given by Mr. Stockwell. On May 24, 1872, Mr. Irwin, in New York city, returned the personal checks given by Stockwell Feb. 13, and subsequently to the amount of about \$560,000, and received then or subsequently checks of the Pacific Mail Steamship Company, payable to his order, for \$750,000. The arrangements all made in Washington, the sinews of war supplied, the business of buying the required legislation went forward, not without opposition, but successfully. Everything at least seemed so favorable that the jobbers had determined to increase their demands, and after getting through the Committee of Appropriations the item of \$500,000 a year, they determined to increase it in the House to \$1,000,000 a year. They were, however, defeated by the narrow margin of *eight* votes. The increase was subsequently made in the Senate, and Gen. Garfield did his best to have the House concur, but failed. The proceedings in the House summarized from the *Globe* will tell the story in detail.

#### HOW THE MONSTROUS STEAL WAS PUT THROUGH.

The Post Office Appropriation bill was reported to the House Jan. 18, 1872. It did not contain an item appropriating \$500,000 per annum for additional monthly mail service between San Francisco, Japan and China for ten years. Gen. Garfield, from the Committee of Appropriations, offered that item as an amendment to the bill. On March 12, in advocating this amendment reported by the Committee of Appropriations, he said:

Mr. Chairman: I do not doubt that the word *subsidy* is a hateful one to the American mind. It is a word which brings to my mind ideas not altogether compatible with my sense of the dignity and freedom of our institutions. *When the pending proposition was first suggested to the Committee*



on Appropriations, all the sentiments I had entertained and cherished on the general subject to which it relates inclined me to oppose it. But the subject being properly and legitimately before the committee, I was bound to consider it; and after a careful study of the facts in the case I have reached the conclusion that it is my duty to support the amendment. I shall try in the few moments given me to state some of the reasons which led me to that conclusion. In doing so I do not abandon my general sentiment of opposition to granting subsidies by the government, for generally they are invidious and partial, and help one class of citizens at the expense of the rest; but I believe there are special and exceptional facts connected with the trade of the Pacific ocean which we cannot, in view of the situation, safely neglect.

Let me say, Mr. Chairman, that all the great achievements of civilization from the remotest period have been grouped round one of the great seas. The Mediterranean sea was the center round which the great civilization of the ancient nations were grouped, and the great event which marks the boundary between ancient and modern history was the passing from the Mediterranean to the Atlantic ocean as a centre of commerce and art. When the current of European life turned from Athens, and Rome, and Carthage, the coasts and islands of the Atlantic ocean became its new center of activity. On the ocean the great forces of modern civilization have been playing for a thousand years.

But I venture the prediction, Mr. Chairman, that in the near future the other great theater of commercial activity, the third and last in the history of the world's work, will be the Pacific ocean; and just now the whole current of public thought, the whole current of public and national activity is turned towards that great sea, and the momentous question is, who shall be its master?

We have never possessed, and can hardly hope to possess, the control of the Mediterranean sea; and the sad events of the last twelve years have led me to fear that we have lost, perhaps irretrievably lost, the control of the Atlantic ocean—the great historic sea of to-day. Our hope is in the great historic sea of the future. If we lose that it will be a lasting disgrace to our statesmanship and a measureless calamity to our people. We now occupy the largest and noblest portion of its western shores. Our islands in the northwest reach more than a thousand miles of the distance from this continent to Asia.

#### ALL FOR THE PACIFIC MAIL STEAMSHIP COMPANY.

We have already established the only line of steamers that ply between the oldest of the empires and the youngest of the great nations. Six hundred millions of human beings that live on the western border of that sea are looking to us for commerce, for science, and the arts. We are their nearest eastern neighbor, and they now ask our friendship, seek our shores, and offer to pour their commerce in our lap. At this critical and interesting moment we are in danger of losing our grasp upon the commerce of that great ocean. The other maritime nations are ready to snatch the prize from our hands unless we at once secure it. The increased service provided by this amendment will hold the trade in our hands, and put it on a basis where it will soon grow to independence, so that no further aid will be needed.

Never has there been a time in the history of any nation when such a prospect was opened, when such a future was clearly attainable. For these reasons, I am ready to make an exception in this case, and to do what I can to make the commerce of this great ocean our own, and to make our country the teacher, the guide and friend of the great peoples of Eastern Asia. This measure can be no precedent for the score of schemes now pressing for recognition, for it stands alone in the greatness and importance of its consequences. (*Cong. Globe, 2d sess., 42d Cong., part 2, p. 1620.*)

#### TRYING TO MAKE THE STEAL \$1,000,000.

On March 12th, Mr. Conger (Republican) of Michigan moved an amendment increasing the subsidy for this service to \$1,000,000 a year for ten years, which would have made the subsidy to the Pacific Mail Steamship Company \$1,500,000 a year. Gen. Garfield, in the Committee of the Whole, March 20, advocated this amendment, but it was rejected. The same day the bill passed the House. The vote was 101 to 30. The yeas and nays were not called. It went to the Senate, where the subsidy was increased to \$1,000,000 a year. The bill came back to the House May 8th. It was referred to the Committee on Appropriations. Gen. Garfield reported the bill back to the House May 21st, recommending concurrence in the Senate amendments, including the one increasing the subsidy to the Pacific Mail Steamship Company to \$1,000,000. There was a hot debate on the motion to concur. In the course of the debate Mr. Randall of Pennsylvania and other members denounced the Committee on Appropriations for recommending concurrence in the Senate amendments. The following debate followed:

#### THE MEREST AND MEANEST SUBTERFUGE.

Mr. Garfield of Ohio: I do not intend to re-argue this question, but I wish to answer some of the objections which have been raised this morning. In the first place, the gentleman from Pennsylvania (Mr. Randall) says that the Committee on Appropriations ought not to have brought into this House a proposition which had been rejected here. I answer him that we have not brought back a rejected proposition, but one quite different in its terms and conditions from the proposition which was acted on in the House. The difference is this: the House simply proposed to double the service and double the pay. The proposition was defeated by a very small vote. It was a proposition to give to the one company now doing the work double pay for double work. The objection was raised by many gentlemen around me that it was giving it to a single company without any competition or without opening the matter to the enterprise of the country. The propo-

sition of the Senate is different. It offers an open bid in open market to the lowest bidder to do the work, and thus takes the case entirely out of the range of a mere monopoly, giving it to one special company.

#### A VERY PERTINENT QUESTION.

Mr. Ambler : Will my colleague yield to me for a question ?

Mr. Garfield : Certainly.

Mr. Ambler : I would inquire of my colleague whether it is possible that within sixty days another company can be organized to compete with this company ?

#### A WILLFUL FALSEHOOD.

Mr. Garfield : I suppose it could.

Mr. McCormick of Missouri : I understand this is to be open to competition.

Mr. Garfield : It is ; all parties are free to sail in. In the second place, a very considerable restriction is to be placed upon whatever company takes the service ; they must build their ships so that the Secretary of the Navy may be satisfied that they will be fitted for naval service in time of war. They must be built to be approved by him.

#### A SHOT BELOW THE WATER LINE.

Mr. Randall : *The gentleman knows very well that there will be only one bidder for this service.*

Mr. Garfield : If this is done, an additional line must be kept up between Panama and New York. That will be an additional service, more than was provided for by the proposition of the House. I answer the gentleman from Pennsylvania (Mr. Randall) by saying that this is another and different proposition, one far more favorable to the United States and the interests of commerce than the proposition which failed here in the House by only *two votes*.

Mr. Randall : BY EIGHT VOTES.

Mr. Garfield : And the Committee on Appropriations felt bound to give the House an opportunity to act upon this proposition of the Senate, after pointing out the differences between the two propositions.

#### MORE SUBTERFUGE.

My colleague (Mr. Stevenson) asked a question intended to raise another objection to this proposition. He said : Would you be willing to subsidize a line of steamers on the Mississippi river ? Let me tell my colleague what we have done for the Mississippi river within the last few days. Under the laws hitherto passed by Congress in relation to the coasting and internal trade of this country, we have an absolute monopoly, unrivalled by any foreign keel along our coast and upon our navigable rivers. No foreign keel under a foreign flag can float at all upon those waters in competition with our commercial marine. And to make it still stronger for our interests, during the last week this House, under the lead of the gentleman from Indiana (Mr. Holman), made absolutely free of duty all material that enters into the construction of river steamers on all the navigable waters of this country.

#### MAKING USE OF IRWIN'S STATISTICS.

Now, one other fact, and I will leave this subject. The latest reports show these facts : the merchandise exported from San Francisco to Japan, from January 1 to April 30, 1870, was \$411,000. For the corresponding period of this year, ending with the month of April just past, it was \$780,000; almost doubled in one year.

Mr. Morgan : If this commerce is increasing at this rapid rate, why the necessity of a subsidy to support this line ?

Mr. Garfield : I thank my colleague (Mr. Morgan) for that word, for otherwise I should have forgotten one thing I desire to state. Within the last week the London *Times* comes to us, informing us that a British company is ready, the moment they can set their competing line on the waters of the Pacific, and to establish a trade there, and to put on a large number of steamers between Japan and San Francisco. And unless we seize the occasion just ready to be shut up so that we will not be able to seize it at all, the work will be in the hands of England, and not in our own.

#### MR. RANDALL POURS IN HOT SHOT.

Mr. Randall : Mr. Speaker, *I charge that this amendment is a miserable subterfuge. The result of the original House proposition and of this amendment of the Senate, will be the same. It is a mere equivocation of language unworthy of Congress and of the gentlemen who advocate it.* I charge more : that this line, having already received an enormous bounty from the government, and being already in a pro-perous condition, has no right to come here and ask for \$500,000 more a year, making in all \$1,000,000, when the mail service proposed is in no measure required by the commerce of the country. *I say more, that agencies disgraceful to Congress have been employed by people outside of this hall, and by members in it, in favor of this line.*

#### MR. RANDALL INDICATES THE DISGRACEFUL AGENCIES.

Mr. Sargeant : State what they are.

Mr. Randall : Undue advocacy of it, in season and out of season.

Mr. Sargeant : What efforts does the gentleman refer to ? I want to understand him distinctly.

Mr. Randall : Efforts of people outside of this hall and in it, who I believe are interested—

Mr. Sargeant : Doing what ?

Mr. Morgan : A hired lobby, working to carry the measure through.

#### MR. RANDALL OFFERS THE PROOF.

Mr. Randall : I say, and will stand by it, and if you propose a committee of investigation I will undertake to prove it.

Mr. Sargeant : All right.

Mr. Morgan : I am ready to back it. The thing will not bear investigation.



Mr. Sargeant: Allow me to ask what is the specific thing charged. When we ascertain that it will be time to investigate.

Mr. Randall: I say, sir, that undue influences—I will go further and say that what I believe to be wicked influences—have been used to induce Congress to unnecessarily, unwarrantably and unjustifiably increase this appropriation. I say this, knowing the language I use and comprehending its full purport. (*Cong. Globe, 2d sess. 42d Cong. part 5, p. 3673.*)

Mr. Holman of Indiana: I move to amend the Senate amendment by striking out the clause providing for an additional monthly mail, and to insert the following: "For the conveyance of a monthly mail on said route at a compensation not to exceed \$500,000 a year."

The yeas and nays were called on this proposition. GEN. GARFIELD VOTED NO! The amendment was rejected. (*Ibid, p. 3679.*)

The amendment of the Senate was rejected. GEN. GARFIELD VOTED FOR IT. (*Ibid, p. 3680.*) This occurred May 27.

A new committee of conference was asked of the Senate. The House appointed its conferees. The Senate receded. The report of this second conference the Senate amendment receded from was adopted May 27. The bill was approved June 3, 1872.

The Senate also put on an amendment providing for a subsidy to a mail steamship line to Brazil. Gen. Garfield voted for this subsidy amendment also, but the House rejected it and the Senate had to yield.

#### WHAT MR. RANDALL DID.

Mr. Randall was always ready to prove the truth of his charges made as above quoted, but no opportunity was given him. Finally, in another investigation, LeGrand Lockwood, of New York (whose evidence convicted Charles Sherman, a United States district judge—a brother of John Sherman—of corrupt practices before Congress, and who resigned to escape impeachment), testified that a large sum of money had been used to secure the passage of the Pacific Mail subsidy. Then, in the midst of the Credit Mobilier excitement in the House, when the Republican majority was terribly demoralized, Mr. Randall offered the following resolution, which was passed February 20, 1873:

*Whereas*, In the testimony taken before the Ways and Means Committee of this House, in reference to certain matters committed to said committee for investigation, it has been sworn by LeGrand Lockwood, of New York city, that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company, in the matter of a subsidy for the transportation of mails and other purposes; therefore,

*Resolved*, That said Committee on Ways and Means are hereby authorized and directed to make full inquiry into the truth or falsity of said sworn statement, and to this end the said committee is hereby authorized and directed to send for persons and papers, and generally to exercise such powers and discretion as will be necessary thereto.

#### A FARCICAL INVESTIGATION.

The Committee of Ways and Means pretended to make the investigation it was directed to make by the above-quoted resolution. It was a farce. They called four witnesses, three of whom testified to the rumors they had heard, one of them to his conviction that money was used by the Pacific Mail Steamship Company, and to being approached by a member of Congress on the subject of money in connection with the Brazilian Steamship line. These three witnesses all indicated that R. B. Irwin was the man the committee wanted, if it wanted to know anything. But the committee made no effort to find Mr. Irwin, who was then at his residence in San Francisco. Not one of the officers of the Pacific Mail Steamship Company were called. Their books and papers showed the payments of the large sums of money heretofore given. The Republican members of the committee attempted to excuse themselves for their failure to prosecute the inquiry, by making to the House false statements about their efforts to find Mr. Irwin. They turned the evidence of the four witnesses examined by them over to the House, and asked that it be sealed up and retained by the clerk. They would not even allow it to be printed. They fondly hoped this would be the last of it. The Forty-second Congress would expire in a few days.

The Forty-third Congress assembled on the first Monday of December, 1873. James G. Blaine was elected speaker. He reappointed the same gentlemen, including those who had been smirched by the Credit Mobilier investigation of the previous Congress, chairmen of the same important committees. Mr. Dawes was continued Chairman of the Ways and Means. The same Republicans who had been members of the committee and re-elected to the Forty-third Congress were put back on the committee. But not one of them proposed to revive the Pacific Mail investigation. A whole year elapsed and no investigation was made. The first session of the Forty-third Congress expired, and still no further inquiry.

The last Republican House was, however, not to escape that responsibility. Richard B. Irwin was in New York and in the service of Jay Gould. He desired, for stock jobbing purposes, to have this investigation revived. Irwin began to furnish Jay Gould's newspaper, the New York *Tribune*, with some very interesting reading matter. His first letter was published December 10, with an editorial which was as follows:

#### A HALF MILLION STEAL.

The first of the jobs makes its appearance at the capital early, and, we regret to say, in one of Gen. Garfield's surprisingly prompt appropriation bills. We beg the General to relieve himself and his committee from the responsibility for it at once. \* \* \* A correspondent thoroughly well informed traces in detail, in another column, the various steps of the robbery. Let us here reproduce the outline.

The Pacific Mail was in the enjoyment of a subsidy of \$500,000 per annum. Mr. Stockwell, one of its numerous retiring presidents, succeeded in getting a law authorizing \$500,000, on condition that enough new first-class iron steamers should be placed on the line to do the mail service by the first of October, 1873. The company failed to get them on by that time, has not yet got them on, and has only two of them, the Tokio and City of Peking, even built. The Postmaster-General reported this failure to Congress in December, 1873. Congress thereupon made no appropriation for the subsidy, and the bill itself only escaped repeal because of the view, generally expressed, that the company's failure to comply with its terms made it null. Congress being out of the way, Attorney-Gen. Williams was appealed to for one of his opinions. He conveniently decided that the failure of a year or two, more or less, made no difference. Postmaster-General Jewell, new to the duties of his office and easily imposed upon in matters of routine, has been induced to estimate for the extra \$500,000 subsidy, as if it had been earned, and Gen. Garfield has promptly reported it to Congress in the Postal Appropriation Bill.

We call upon every friend of honesty in the public service to watch this job and to resist it from the outset. We are unwilling to believe that either Governor Jewell or Gen. Garfield could have been aware of its nature, but after this exposure there can be no decent pretext for continuing the claim.

#### WHAT GARFIELD DIDN'T AND WHAT HE DID DO.

Of course, after this direct impeachment of his motives—made with full knowledge of his connection with the passage of the subsidy bill in June, 1872—his remarkable conversion from an anti-subsidy to a pro-subsidy Congressman—Gen. Garfield at once demanded an investigation. Not by any means. He did not even propose that that old inquiry, began away back in February, 1873, should be revived! What did he do?

On December 11, 1874, Gen. Garfield had the editorial article from the *Tribune* read by the clerk of the House and made a personal explanation! In this personal explanation he threw the responsibility for the appearance of the \$500,000 subsidy item in the Post Office Appropriation Bill upon a sub-committee of his committee, which had been at work during the recess preparing the bills. He deplored the fact that a great journal made such a serious charge so recklessly, and said it only showed the facility with which and on what slight grounds men in public life are charged with unworthy motives and dishonorable conduct. Then he sat down. He asked for no investigation. None of his colleagues did. But Mr. Irwin obeyed Jay Gould's instructions, and his paper, the New York *Tribune*, continued to let scraps of information about the purchase of the subsidy legislation in 1872 find their way, apparently mysteriously, into its columns.

#### FORCED TO INVESTIGATE.

The fire grew so hot that something had to be done, and the Committee on



Ways and Means began its long-deferred inquiry. They struck bare rock the first day. Two directors of the Pacific Mail Steamship Company were examined, and they told what the books of the company showed—the expenditure of \$750,000 of the company's money by Mr. Irwin. Then the committee went through the farce of asking the House to order Irwin's arrest on the theory that he was a witness in contempt, when the truth was he had never been subpoenaed. This is the neat way Mr. Irwin went for the committee when brought before it:

Before the committee put any questions, I should like to make a preliminary statement, in order to purge myself of the alleged contempt. There seems to be two grounds for my arrest by the committee—two grounds which formed, in the minds of the committee, the basis for the alleged contempt. The first was, that they had once summoned me during a prior session of Congress, and had looked for me and could not find me. Now the first information that I received that I had ever been summoned was from reading Mr. Dawes' speech in the House the day after it was made. Until I read that I never knew that I had been summoned at all.

The Chairman (Mr. Dawes): Well, it was not literally true that you had been summoned, but we had tried to find you. [*What a humiliating confession!*]

Mr. Irwin: I was at my residence in San Francisco from the 4th of June, 1872, until the 4th of September, 1873. [*The Ways and Means Committee was supposed to be looking for him in February, 1873.*] I have lived in San Francisco since 1869, and have had no other place of residence. I was there from June, 1872, until September, 1873. I merely state that to show that by remaining at my place of residence I could not have been attempting to evade the process of the committee.

\* \* \* Then the second ground upon which the committee was induced to believe (what I could not very easily be induced to believe) that I was attempting to evade the process of the committee was the assertion of Mr. Sage that he had had me arrested, which assertion I may just as well say here was not true. \* \* \*

I never was arrested by anybody until I was arrested by the sergeant-at-arms, under the warrant of the House, and my impression is that I never shall be arrested by anybody again. \* \* \* I arrived in New York on Monday, November 30, 1874, and went directly to the Hoffman House, where I always stay in New York. My name was registered there and appeared in all the newspapers. I then went to my father-in-law's place at Englewood, New Jersey, leaving my address at the Hoffman House, and remained there until the following Friday morning. The following Friday morning I again came down to New York, and went to the Hoffman House again, and my name being again registered it appeared a second time in the newspapers very publicly. For instance, one of them had it in this way: "Speaker J. G. Blaine and R. B. Irwin of San Francisco are at the Hoffman House." I merely mention that my name was announced in this way to show how public it was. Mr. Whitelaw Reid, the editor of the *Tribune*, and Mr. L. J. Jennings, the editor of the *Times*, were personally aware of my address during almost the whole of this period. Everybody else in New York that knew me, or had any occasion to see me, knew where I was.

\* \* \* Now I think I have said enough to satisfy the committee that I have made no intentional attempt to evade its summons.

#### THE RESULT OF THE INVESTIGATION.

The investigation went on in a sort of way, and the committee found out a good deal more than it wanted to find, but not nearly so much as the public wanted and expected to have found out.

All the committee practically did find was that Mr. Irwin got \$890,000 from the Pacific Mail Steamship Company, and that he disposed of it as follows:

Total paid to different individuals.....	\$703,100
Incidental expenses, clerks, House expenses, etc.....	186,900

W. S. King, Postmaster House of Representatives, was examined at the farcical investigation by the Ways and Means Committee, in the Forty-second Congress, and swore he never received a dollar or knew of anybody who did. He was not found by the committee of the Forty-third Congress. John G. Shumaker, member of the Forty-second Congress, would not account for the money he received.

In addition to the money disbursed, A. B. Stockwell paid Col. Richard Parsons \$12,000 as fees and expenses. There was some evidence, and more might have been found if it had been looked for, showing that Parsons disbursed a great deal of money for Stockwell, independent of Irwin. Whitelaw Reid testified that Irwin told him Parsons distributed about \$300,000. Everybody who knows anything of Irwin, or of the manner of doing business at Washington, knows that the vast amount of money he disbursed was not for those who appear to have received it, save in a few instances. At least \$600,000 of the \$890,000 Irwin disbursed went to members of Congress, and, in addition, probably \$200,000 was put there also by Parsons.

## THE MOTH SWINDLE.

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### A NICE THING FOR GARFIELD'S FRIENDS.

Gen. Garfield, as Chairman of the Committee of Appropriations, was always superserviceable to those in authority or to his friends, in advocating any and all questionable jobs which they recommended or advocated. Of course, he was not always dishonest in the advocacy of such measures. He may have been imposed upon sometimes. The men who used him were greedy creatures, and not disposed to divide, unless they could not succeed in any other way. It has been proved beyond doubt that in the core of the District of Columbia Ring Gen. Garfield was rewarded for his services to the men who so shamelessly plundered the government of the United States and the people of the District; that his zeal in that service became conspicuous after he was retained for DeGolyer & McClellan, and by a word spoken at a casual meeting between himself and Boss Shepherd, obtained for his clients a contract worth \$700,000. The discovery of his connection with that fraud was purely accidental. Had not one of the parties interested, by purchase after the transaction, had a motive for disclosing the knowledge he acquired, as part of his purchase, in all human probability the discreditable disclosure would never have been made.

One of the worst swindles he assisted in practicing upon the government was Cowles & Brega's Moth Preventative and Water Repellant Process, for which, during four years \$450,000 was paid. According to the account of Don Piatt, who claimed to be chiefly responsible for this fraud, one George W. Brega, in the spring of 1871, was in Washington lobbying in the interest of a reciprocity treaty with Canada and the St. Croix land grant railroad job, proposed to get a contract with the war department for one George A. Cowles of Philadelphia, to treat army clothing, blankets, tents and material for the same with a patent process which would prevent moths from cutting the same and make canvass for tents waterproof. Piatt said that Brega was a very disagreeable sort of a fellow in many respects, but enthusiastic, persistent and loquacious. He had made no progress whatever with either the Quartermaster-General or the Secretary of War. After reluctantly looking into the matter, Piatt said he was satisfied it was a good thing, and he undertook to remove the objections of the obstructing officials. Cowles had been making tests and getting certificates as to the efficacy of his process, and Piatt swears "my appeal in his behalf on that ground obtained a contract." The first contract was for \$20,000. The next year, 1872-3, there was an appropriation in the deficiency bill for \$50,000, with an addition of \$150,000 in the Army Bill. For the following year, 1873-4, there was, without any recommendation of the Quartermaster-General, appropriated "for preservation of clothing and equipage from moth and mildew, \$200,000, which shall be available immediately." "Shall be available immediately" meant that Cowles & Co. need not wait



till the beginning of the fiscal year, but could draw the money forthwith. The last appropriation was made for the fiscal year 1874-5, and was for \$30,000.

In 1872 Captain C. A. Alligood, the Quartermaster in charge of Schuylkill Arsenal, an honest and upright man, an honorable and efficient officer, examined carefully the cloth and clothing stored there, and found that the process was worthless so far as protection against moths was concerned. He was led to make this examination by discovering accidentally that moths were cutting cloth which had been treated by Cowles & Co.'s process. Thereupon he had the entire stock of goods and clothing at that depot overhauled, and found that the moths worked as freely upon the treated stock as upon that not treated. He reported these facts to the Quartermaster-General October 16, 1872. All the interested parties were at once informed of this report, and forthwith there was a gathering in Washington. There was a board of some kind fixed up and a pretended examination made. Alligood was ready to substantiate by irrefragable evidence the facts stated in his report, but no opportunity was given him. He was forthwith ordered away from the Schuylkill Arsenal against the protest of Simon Cameron, and sent South where he would not be troublesome to the so-called moth destroyers. All this was not kept entirely from the public. Some of the facts leaked out and found their way to the press. There was a good deal said about this particular swindle, and at the succeeding session of Congress the job did not get through without opposition. The correspondent of the Cincinnati *Commercial* denounced it as a job; spoke of Don Piatt's connection with it, and intimated very plainly that Garfield's zeal in behalf of the job was not altogether disinterested. He said:

#### AN INDEPENDENT VIEW OF THE BUSINESS.

A thrifty firm, sailing under the name of Cowles & Brega, have for some time past had a contract with the government to apply a process, which they own, to the preserving of army clothing, cloth, etc., from moths. The process does not preserve cloth from moths. It never did. Some two or three years ago, when it was first decided to try it, Congress appropriated some fifty thousand dollars for the purpose, and in the succeeding year, one hundred and fifty thousand dollars. Notwithstanding the fact that the process is a failure, and so recognized by all who have impartially examined into its workings, the Quartermaster-General and the Secretary of War have by some means steadily indorsed it and its appropriations. This last year the firm came to Congress, asking an appropriation in the army bill of \$300,000 for the use of their process during the coming year. Of course, they went before Garfield's committee. Don Piatt is a member of the firm of Cowles & Brega, a silent partner. Heretofore, this appropriation has gone through the committee unquestioned, which might, to a wicked man, seem to be a singular thing. This year, however, some of the facts in regard to the worthlessness of the process having come to the knowledge of members of Congress, word was sent to the committee, and Cowles and Brega were compelled to appear, and show cause why the appropriation should be made. Piatt was on hand, but quietly and modestly, making no speeches nor argument, but pulling such things as he could lay his hands on unostentatiously. After a short discussion, a hurried and incomplete investigation, in which Cowles and Brega alone had a chance to be heard, the committee decided—"to throw out the item and end the swindle"—by no means, my friends! They decided to reduce the item one-third, and instead of giving the concern \$300,000, as was asked, they gave \$200,000. Of course, Don Piatt, who is virtuous, had no motive for keeping on the right side of the chairman of the committee, who was to pass upon the merits of his firm's contracts. No more had Garfield, though rather needing newspapers friends, any motive other than the best in the world for passing favorably upon such a contract when he knew it was very doubtful in its nature. No! Such things may not be, and overcome us like a summer's cloud.

#### WHO CALLED A HALT AND WHY?

This so-called moth-preventing and water-repelling business went along swimmingly until one day Don Piatt found out that he wasn't getting what he considered was his fair share of the stealings. The firm of Fant, Washington & Co., bankers, Washington, D. C., drew the money for Cowles & Brega, placed Piatt's share to his credit on their books and remitted the balance to Cowles & Co., as per their orders. Piatt appears to have had a good deal of this sort of thing to attend to, besides running a Sunday newspaper, and paid no attention to his dividends other than to check against his account at Fant, Washington & Co's. He supposed he was drawing about \$10,000 a year from the business, and thought

that was about all he was entitled to. One day, however, in conversation with Mr. Fant he learned, very much to his surprise, that he was entitled, as he believed, to a good deal more. He was getting 10 per cent. of Cowles & Brega's individual shares, which was 5 or 6 per cent. of the gross appropriations, but he swore he was entitled to 15 per cent. of the whole amount. He demanded that of Cowles, who wouldn't come down, whereupon Piatt did two things. He wrote immediately to Gen. Garfield, telling him to telegraph to Belknap, Secretary of War, and he went to Belknap and told him the whole business was a beastly corrupt business, and Cowles & Co. must not have another dollar. Of course, Piatt was virtuous.\* He asserted that Cowles told him that there was a thing or two about the business which he would not impart to another human being except Brega, and, therefore, he could not render Piatt an account of their profits. This was in August, 1874, and there were only \$30,000 to be drawn that year by Cowles & Co. The job was petering out. It was not likely that the swindle could be successful another year. The Credit Mobilier exposure had made Congressmen a little merry, and the correspondents at Washington were firing a round shot every once and a while at the moth fraud. It was rather a cheap way, therefore, of being virtuous—going to the secretary and warning him not to pay Cowles & Co. any more money.

#### GARFIELD'S CORRESPONDENCE WITH BELKNAP.

Belknap notified Cowles & Co. of the charges preferred against them, and temporarily suspended their operations. Gen. Garfield, by Piatt's instructions, immediately telegraphed Belknap as follows :

LITTLE MOUNTAIN, Ohio, Aug. 7th, 1874.

HON. W. W. BELKNAP, Secretary of War :

I hope you will stand firmly by your order, suspending further work by Cowles & Brega.

J. A. GARFIELD.

To which Belknap replied :

WAR DEPARTMENT, WASHINGTON, D. C., Aug. 8th, 1874.

HON. J. A. GARFIELD, Little Mountain, Ohio :

On an intimation from one of the parties supposed to be interested in the process that there was a fraud therein, I ordered that no more payments should be made at present. Verbal notice of appeal for reconsideration of that decision has been given me. If you desire me to stand by that decision, please give me such facts as will enable me to do so.

H. W. BELKNAP,

Secretary of War.

Gen. Garfield, on August 24th, wrote the following letter to Belknap :

LITTLE MOUNTAIN, Ohio, Aug. 24th, 1880.

*Dear Sir :* I owe you an apology for so long neglecting to answer your request of the 8th instant, in reference to subject matter of my telegram of that date.

The ground on which I recommend you to stand firmly by your order suspending work of Cowles & Brega was this: I heard that these men alleged that they paid money to procure the appropriation for treating army clothing by their process. If their statement be true they ought not to be paid a dollar out of the treasury for any purpose. If it be false, they are slanderers of the government, and ought not to receive any of its favors. I don't believe that they paid anything for any such purpose. If they had not said so, I would withdraw my telegram; but if they have said so, I am in favor of making them prove what they have said. This is all I know on the subject. If you have any further intelligence on the subject, I shall be very glad to know it.

Very truly yours,

J. A. GARFIELD.

HON. W. W. BELKNAP, Secretary of War.

WAR DEPARTMENT, Sept. 8th, 1874.

*Dear General :* I have the honor to acknowledge the receipt of your letter of Aug. 24th, relative to the Cowles & Brega preserving process, in which you state that you heard that these men alleged that they paid money to procure an appropriation for the preserving of army clothing by their process.

Since that letter was received I have examined into this matter, and Messrs. Cowles & Brega have filed an affidavit denying that they have made any such statement. I therefore revoked my former order, and substituted the following in its stead: "Respectfully returned to the Quartermaster-General. The order of the 20th of July, directing 'that no more money be paid from old or new appropriations on account of what is known as the Cowles process for preservation of cloth, &c., until further orders, is hereby revoked, and the Quartermaster-General is directed to select three officers of his department to comprise a board for the purpose of inspecting all the materials at the Schuylkill Arsenal which have been treated by the process above named; report to be made as to the condition of such materials, and whether the benefits claimed for this process have been fulfilled with respect thereto. No further payments to be made or work done in the va-



rious preserving processes till the results of the report of the board are made known. These papers to be returned as soon as practicable." Yours truly,

W. W. BELKNAP, Secretary of War.

GEN. JAMES A. GARFIELD, Little Mountain, Ohio.

Don Piatt swore that he did not tell Gen. Garfield that Cowles & Brega told him "that money had been expended to procure appropriations."

Q. You stated to Gen. Garfield just what Mr. Cowles had told you? A. I think so.

Cowles & Co., in their affidavit that Belknap mentions in his letter to Gen. Garfield, say that Don Piatt made his demand "for money beyond what he had received," June 28, 1874. Of Gen. Garfield's telegram they say :

"As to Gen. Garfield's telegram, it contains no evidence whatever, and we can prove that on the 16th or 17th of July last Mr. Cowles heard that Mr. Don Piatt stated he (Piatt) had telegraphed to Gen. Garfield to telegraph the Secretary of War to suspend our work. Gen Garfield's telegram is dated the 7th of August. It is evident that Gen. Garfield acted under the misrepresentations of Mr. Don Piatt."

Capt. C. A. Alligood, when on his way South, where he was ordered after his removal from the Schuylkill Arsenal, stopped in Washington and called upon Don Piatt, and told him all the particulars of his removal and the real character of the frauds practiced by Cowles & Brega, and the utter worthlessness of their process. This circumstance Don Piatt admits in his evidence before the Clymer committee, but he suppressed the important facts Capt. Alligood told him. This was in the Summer of 1872. Mr. Piatt did not call upon the Secretary of War then and denounce Cowles & Brega, and have justice done to a worthy officer, who was being persecuted for his fidelity to the interest of his government.

#### THE PROFITS AND WHERE THEY WENT.

Mr. H. G. Fant, of the firm of Fant, Washington & Co., the bankers, and Cowles & Co., produced their account to show the money they had received from the government through his house.

*Amount collected by Fant, Washington & Co., agents of G. A. Cowles & Co., between February or March, 1872, to July or August, 1874.*

From the Army, Navy and Ordinance Department, \$403,875.00, distributed as follows:

G. A. Cowles & Co., manager, expense account.....	\$41,374.18
G. A. Cowles & Co., army account.....	63,525.10
G. A. Cowles & Co., individual account.....	92,570.99
George W. Brega, individual account.....	92,570.99
L. H. Bacon, of Hartford, Conn.....	57,994.26
Victor Vicrow, of Philadelphia.....	28,967.13
Donn Piatt.....	22,994.35
Commissions to Fant, Washington & Co., per cent.....	3,998.00

Making the total amount received from the government.....\$403,875.00

According to this distribution of the proceeds of this robbery of the government the profits were, allowing the army account to be really legitimate expense, **\$298,975.72**. If the army account was illegitimate, as would appear by the face of Fant, Washington & Co.'s books the profits were **\$362,500.82**.

Mr. Fant could give no explanation of this account. It was their duty as agents to simply collect the money and forward it in checks on New York, and charge them to different items, as per the direction of Cowles & Co. The committee did not seek to unravel this mystery beyond the inquiries put to Fant. The object of this investigation was to ascertain whether or not \$39,040.17 was illegally paid to George A. Cowles & Co. by the order of Rufus Ingalls, then Quartermaster-General. They reached the conclusion that it had been, upon an opinion of Attorney-General Pierrepont, who therefore divided the responsibility of the violation of law with the Quartermaster-General and Secretary of War.

## GEN. GARFIELD & THE LABORING MEN.

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A great parade has been made in all the political biographies of Gen. Garfield of the fact that he was born in humble circumstances and that in his youth he drove mules on the tow path of a canal. But his record as a friend of the class with whom he associated in his youth is not referred to by his biographers. They deal in glittering generalities. They know his acts are not in accordance with their encomiums. In his exalted station he has become the friend, the champion, the beneficiary of every monster corporation like the Credit Mobilier of America, which stole \$50,000,000 from the People's Treasury in building the Union Pacific Railroad ; like the Six Chinese Companies of San Francisco, that fattens at the expense of Free American Labor ; like the Cobden Free Trade League of England, of which he is an honorary member.

In the Forty-third Congress, when Mr. Garfield was Chairman of the Committee on Appropriations of the House of Representatives, he brought in the Sundry Civil Bill with a clause cutting down the wages of the printers who work in the Government Printing Office. Gen. Hawley, of Connecticut, moved to strike out this clause, reducing the compensation of skilled mechanics. Gen. Garfield insisted that the printers in the government employ were overpaid—that they received more and better pay than they were entitled to. At the close of the next session of Congress he engineered through an amendment to the Legislative, Executive and Judicial Appropriation Bill which not only increased his own pay, but extended it back to the beginning of the Congress. In the discussion of the clause reducing the printers' wages Gen. B. F. Butler, of Massachusetts, took the floor and said that when Congress would go to work and reduce the interest on the Government Bonds, that only cost 38 cents on the dollar, and by intervening legislation of Congress had been raised to the value of \$1.16, he would be willing to consider a proposition to reduce the wages of laboring men. Capitalists could always come to Congress and secure legislation to protect their interests, and so long as this continued he was in favor of the mechanical and laboring classes organizing to protect their interests.

Gen. Garfield contended that Congress had the right to make the wages of the printers whatever it saw fit. No one denied the *power* of Congress to legislate against the employees of the Government Printing Office. It was the equity of the thing for which Gen. Butler and others contended. Gen. Hawley, of Connecticut, insisted that the wages paid printers in Washington were not too high. Gen. Garfield admitted that the printers in the Government Office did more night work, and that their employment was more irregular than in outside printing offices ; that the cost of living in Washington was higher than elsewhere, but still he contended that these workmen ought not to be paid more than printers elsewhere received. On the motion to strike out this clause reducing the printers' wages Gen. Garfield voted **NO**—(see *Congressional Record* 43d Cong., 1st Sess., pp. 4877-8-80-81.)



## SOME OF GENERAL GARFIELD'S VOTES.

Below are given some of the votes cast by General James A. Garfield since he became a member of Congress. They embrace votes on the most important topics. It will be found that he invariably voted for all land grants and subsidies and in favor of all monopolies, while he at the same time voted against giving soldiers 160 acres of land.

Besides the votes given below he voted generally against Democratic investigations; against reductions of the army, and in favor of the largest appropriations for all purposes.

### RAILROAD LAND GRANTS.

May 16, 1864.—The Northern Pacific Land Grant Bill was under consideration, and Mr. Holman moved an amendment requiring the road to transport the troops and property of the United States free of charge. Mr. Garfield voted against the amendment (*Globe, part 3, 1st sess. 38th Cong., p. 2291*).

The bill was rejected the same day. Garfield, however, voted for it (*Ibid., p. 2297*).

May 31st.—A bill of the same character was called up, and this time it passed, Garfield voting for it (*Ibid., p. 2612*).

February 17th, 1865.—General Garfield voted in the interest of a bill to extend the time for the completion of certain land grant railroads in Michigan and Wisconsin (*Globe, part 2, 2d sess. 38th Cong., p. 873*).

March 3d, 1865.—Garfield voted to suspend the rules and take up a bill to extend the time for the completion of certain land grant railroads in Minnesota, and the bill passed (*Ibid., p. 1410*).

July 5th, 1866.—A bill was considered which proposed to amend the Union Pacific Railroad Act in such a way as to give enlarged powers to the grant of land previously made. Mr. Garfield is recorded in favor of it (*Globe, part 4, 1st sess. 39th Cong., p. 3589*).

July 26, 1866.—Garfield voted for a bill granting lands to aid in the construction of a railroad and telegraph line from the states of Missouri and Arkansas to the Pacific Coast (*Globe, part 5, 1st sess. 39th Cong., p. 4183*).

March 2, 1867.—A bill to grant land for the construction of the Stockton and Copperopolis Railroad, in California, was passed. Garfield voted for it (*Ibid., 2d sess., p. 1769*).

January 15th, 1868.—The bill to extend the time for the completion of the Dubuque and Sioux City Railroad was taken up. It proposed to take away five or six hundred thousand acres of the public lands. With a view of stopping the steal, E. B. Washburne made a point of order against it. The Speaker overruled the point of order, and Garfield voted to sustain the decision of the chair (*Globe, part 1, 2d sess. 40th Cong., p. 544*).

The bill was not disposed of on that occasion. It came up the next day and Garfield voted for it at every stage, and until it was finally passed (*Ibid., p. 571*).

January 18, 1869.—An attempt was made by Mr. Holman to commit the House against the policy of granting public lands to railroads and other corporations, and declaring that such lands should be reserved for actual settlers. Garfield voted against the resolutions, and his vote helped to lay it on the table (*Globe, part 1, 3d sess., 40th Cong., pp. 424-5*).

February 22, 1869.—Garfield voted for the bill granting the right of way to the Memphis, El Paso & Pacific Railroad Company from El Paso to the Pacific Ocean (*Ibid., part 2, p. 1444*).

April 9th, 1869.—A proposition was pending to extend the time for the completion of the first twenty miles of the Little Rock and Fort Smith Railroad—a land grant road. Garfield helped by his vote to pass it, with an amendment for the benefit of the Memphis & El Paso Road (*Globe, 1st sess., 41st Cong., p. 702*).

The bill came from the Senate on March 4th, 1870, with sundry amendments, and Garfield again voted to put it through (*Globe, part 2, 2d sess. 41st Cong., p. 1699*).

May 25, 1870.—The House having under consideration a Senate bill to authorize the Northern Pacific Railroad to issue its bonds for the construction of its road, an amendment was offered that the lands granted said company should be sold to actual settlers only, in quantities not greater than 160 acres to any one person, and at a price not exceeding \$2.50 per acre. General Garfield voted against it. Then the same amendment was put in another form, and he voted against that also (*Globe, part 5, 2d sess. 41st Cong., pp. 3797-8*).

The next day, May 25th, he voted against a like amendment. He also voted against an amendment declaring that nothing in the act should be construed as a guarantee by the United States of the bonds issued by said company or its agents. Then other efforts were made to fix the price at which the lands should be sold, and Garfield voted steadily against all of them. He also voted

against the following propositions: that any railroad authorized to be built by competent state or national authority, whose line of road intersects that of the Northern Pacific Company, should have the right of way to the extent of 200 feet in width, with necessary grounds for depot purposes, over and across the lands of said company, free of charge; that the company should be required to report annually to the Secretary of the Interior; that the United States should have the right at all times to take possession of and own the road of said company, and all its appurtenances, on paying the actual and legitimate cost thereof, etc. After voting against these and other proper amendments, nearly all of which were defeated, he finally voted for the bill (*Ibid.*, pp. 3850 to 53).

July 12, 1870.—On a motion to take up and consider the bill extending the time for the completion of the St. Croix & Bayfield Railroad, Mr. Garfield voted to take it up, and resisted all attempts to defeat it (*Globe*, part 6, 2d sess. 41st Cong., p. 5469).

February 21, 1871.—Garfield voted for a grant of land in aid of the construction of the Texas Pacific Railway (*Globe*, part 2, 3d sess. 41st Cong., p. 1473).

February 29, 1872.—The St. Croix and Bayfield Railroad land grant was brought up again, it having failed in the previous Congress. Mr. Holman wanted to recommit it with such instructions as to compel the reporting of a bill which would better protect the interests of the government; to limit the land grant and to prevent any of the lands enuring to the benefit of the Northern Pacific Railroad. The bill was referred with the instructions, but in spite of Mr. Garfield for he voted against the motion (*Globe*, part 2, 2d sess. 42d Cong., p. 1313).

April 18th, 1872.—The bill to incorporate the Great Salt Lake and Colorado River Railroad Company, and making a grant of land thereto was taken up. Gen. Garfield voted against a motion to lay the bill on the table and it was then passed (*Ibid.*, part 3, p. 2547).

It will be observed that he voted generally in favor of landgrants. When the Democrats came into power they stopped that sort of legislation and adopted the following resolution, which Garfield voted for, after he saw that no more land legislation was to be had.

December 15th, 1875.—*Resolved*, That in the judgment of this House, in the present condition of the financial affairs of the government no subsidies in money, bonds, public lands, indorsements or by pledge of the public credit, should be granted by Congress to associations or corporations engaged, or proposing to engage, in public or private enterprises, and that all appropriations from the public treasury ought to be limited at this time to such amounts only as shall be imperatively demanded by the public service (*Record* vol. 4, part 1, 1st sess. 44th Cong., p. 227).

He voted for a similar resolution in 45th Congress (*Record*, vol. 7, part 1, 2d sess. 45th Cong., p. 626).

#### OTHER LAND GRANTS.

February 14th, 1865.—Mr. Garfield voted for a bill donating public land for the construction of a ship canal at the head of the Sturgeon Bay, Wisconsin (*Globe*, part 1, 2d sess. 38 Cong., p. 795).

March 1st, 1865.—Mr. Garfield voted for a bill granting land to the state of Michigan, to aid in building a harbor and ship canal at Portage lake, Lake Superior (*Globe*, part 2, 2d sess. 48th Cong., p. 1263).

April 2d, 1866.—The bill granting a donation of two hundred thousand acres of land (which failed in the Thirty-eighth Congress), for the Sturgeon Bay Canal came up again and, Garfield true to his instincts in favor of land grants voted for it (*Globe*, part 2, 1st. sess. 39th Cong., p. 1727).

#### TAX ON DISTILLED SPIRITS, ETC.—VOTES IN THE INTEREST OF THE WHISKEY RING.

March 3, 1864.—A report of a conference committee on an internal revenue bill was under consideration in the House. The point in controversy was as to the propriety of taxing the stock on hand. The House said it should be taxed, and the Senate said it should not. Garfield voted that the House should recede from its position, and thus concur in the Senate amendment (*Globe*, part 1, 1st sess. 38th Cong.).

April 28, 1864.—Garfield voted against another proposition to tax the stock on hand (*Ibid*, part 2, p. 1963).

December 19, 1864.—He voted to strike out a section of a revenue bill which taxed spirits on hand 50 cents per gallon (*Globe*, part 1, 2d sess. 38th Cong., p. 68).

January 30, 1878.—A bill was pending in relation to the tax on distilled spirits. Gentlemen who knew most about it demonstrated that a reduction of the tax would be of great advantage to the revenues of the country. An amendment was offered, declaring that a reduction of the tax was inexpedient. Gen. Garfield voted for the amendment (*Record*, vol. 7, part 1, 2d sess. 45th Cong., p. 681).

June 17, 1878.—A bill to amend the laws relating to internal revenue was passed. It was of decided advantage to the government in the matter of the tax on distilled spirits. Garfield voted against it (*Ibid.*, part 5, p. 4770).

#### STEAMSHIP SUBSIDIES.

April 15, 1864.—Mr. Garfield voted against a motion to lay on the table a bill granting a subsidy of \$150,000 for mail service between the United States and Brazil (*Globe* part 2, 1st sess. 38th Cong., p. 1658).

March 2, 1867.—Garfield voted for a bill to subsidize a line of steamers between the United States and the Hawaiian Islands (*Globe*, part 3, 2d sess., 39th Cong., p. 1781).

June 10th, 1868.—Gen. Garfield voted for a bill granting a subsidy to a line of steamships between New York and one or more European ports (*Globe*, part 3, 2d sess. 40th Cong., p. 3033).

May 21, 1872.—The Senate put an amendment on the Post-Office Appropriation Bill for an additional monthly mail between the United States and China. Holman wanted to reduce the amount of compensation. Garfield voted against the proposition. He then voted for the increased subsidy and additional service. On the same day he voted for the Brazilian mail subsidy (*Globe*, part 5, 2d sess. 42d Cong., p. 3679-80).



February 15, 1875.—On a motion to suspend the rules and pass a Senate bill for the relief of the contractors for the construction of vessels of war and steam machinery—Secors and others, whose claims were frauds—Gen. Garfield voted in the affirmative (*Record, part 2, 2d sess. 43d Cong., p. 1292*).

December 15, 1877.—Garfield voted against the resolution offered by Mr. Wood authorizing certain committees to make investigations of matters before them. One of the principal investigations proposed was that with regard to frauds in the Navy Department (*Record, vol. 7, part 1, 45th Cong., 2d sess., pp. 243 and 4, &c.*).

#### PRINTING FRAUDS.

May 16, 1876.—Mr. Garfield voted against a resolution reported from the Committee on Printing, directing the Speaker to transmit to the proper authorities the testimony taken by that committee relating to the Congressional printer, to the end that he might be indicted and presented. By voting against that resolution, Mr. Garfield proposed to shield Mr. Clapp from certain acts of malfeasance in office which the committee had found against him (*Record, vol. 4, part 4, 1st sess. 44th Cong., p. 3118*).

#### THE CHOCTAW CLAIM.

There has been pending before Congress for several years a bill to pay the Choctaw Indians the sum of nearly three million dollars which they claim to be due them. As the claims have nearly all passed into the hands of speculators for a merely nominal sum, and as the Indians would not be benefited by the appropriation to any great extent, the claim was regarded as a swindle, and as such opposed. Moreover, Secretary Boutwell reported that it had been paid in full. In the Forty-third Congress the claim was attached to the Indian Appropriation Bill. Gen. Garfield voted for it (*Record, vol. 3, part 1, 2d sess. 43d Cong., p. 617*). On account of this appropriation the bill was rejected. The next day (January 21st, 1865), Mr. Garfield voted to reopen the question (*Ibid., p. 636*). A motion was then made to recommit the bill to the Committee on Appropriations (the committee of which Garfield was chairman), with instructions to report the same, excluding the Choctaw claim. Garfield voted against the motion. He also voted in favor of the bill, and it was finally recommitted to the committee of the whole House (*Ibid., pp. 637-639*).

The bill was reported back again February 9th, 1875, but still retained the Choctaw clause, slightly modified. The clause was rejected, but not with Garfield's aid, for he voted to retain it (*Ibid., part 2, p. 1093*).

January 22, 1877.—The friends of the claim changed their tactics a little. Failing to get the House to act on the bill, they proposed to refer it to the Court of Claims. Gen. Garfield voted for the reference (*Record, vol. 5, part 1, 2d sess., 44th Cong., p. 812*).

#### VOTES AGAINST SOLDIERS' INTERESTS.

April 30, 1864.—The Army Appropriation Bill being under consideration, Mr. Holman offered an amendment providing that after January 1st, 1864, the pay of the private soldier of the army shall be \$20 per month. The Speaker ruled the amendment out of order and Mr. Holman appealed from the decision of the chair. On motion to lay the appeal on the table, James A. Garfield voted for it, thereby declaring his opposition to an increase of the private soldiers' pay (*Globe, part 3, 1st sess., 38th Cong., p. 1999*).

January 6th, 1864.—Mr. Farnsworth reported a bill from the Committee on Military Affairs, continuing the payment of bounties for enlistment from the 5th of January, 1864, to the 1st of March, 1865. The bill passed—112 to 2. Mr. Garfield was one of the two voting no (*Globe, part 1, 1st sess., 38th Cong., p. 110*).

February 18th, 1865.—A bill was reported from the Committee on Military Affairs to increase the pay of certain officers of the army. An amendment was offered to make the pay of private soldiers \$20 per month. General Garfield voted against the amendment. He then moved that the bill be recommitment and voted for that motion. His motion prevailed and the bill was then immediately reported back providing for the officers but leaving the private soldiers out, and it was passed (*Globe, part 2, 2d sess., 38th Cong., pp. 909 and 910*).

December 12, 1872.—General Garfield voted against the bill allowing every private soldier, musician and officer who served in the army of the United States during the late war for ninety days, and was honorably discharged, and the widow or orphan of such soldier to enter 160 acres of land under the homestead law (*Globe, part 1, 3d sess., 42d Cong., p. 167*).

February 8th, 1875.—General Garfield voted against suspending the rules and passing a bill granting bounties to heirs of soldiers who enlisted in the service of the United States during the late war for a period of less than one year, and who were killed or have died by reason of such service (*Record, vol. 3, part 2, 2d sess., 43d Cong., p. 1068*).

#### PENSIONS OF SOLDIERS OF 1812.

July 6th, 1866.—Mr. Garfield voted to lay on the table a bill granting pensions to soldiers of the

war of 1812. He then voted to recommit the bill, and thereby helped to defeat it (*Globe, part 4, 1st sess. 39th Cong., pp. 3923 and 29*).

April 3d, 1876.—A bill to pension soldiers of 1812 and their surviving widows being under consideration, Mr. Garfield voted to strike out a clause giving arrearages of pensions to widows whose husbands' names were dropped for alleged disloyalty (*Record, vol. 4, part 3, 1st sess. 44th Cong., p. 2167*).

#### PENSIONS TO MEXICAN SOLDIERS.

February 25th, 1878.—General Garfield was a determined opponent of the bill to pension the veterans of the Mexican war. He voted at the date above named against a motion to go into Committee of the Whole to consider a bill to pension them (*Record, vol. 7, part 2, 2d sess. 45th Cong., p. 1315*).

January 14th, 1879.—He voted again against going into Committee of the Whole on the bill (*Record, vol. 8, part 1, 3d sess. 45th Cong., p. 443*).

During that session several other attempts were made to get the bill up and Garfield was always recorded against it.

#### TARIFF.

June 4th, 1864.—Mr. Garfield voted against an amendment to the pending tariff bill, to admit free of duty during a period of one year, any machinery designed for and adapted to the manufacture of woven fabrics from the fiber of flax or hemp, &c. (*Globe, part 3, 1st sess. 38th Cong., p. 2750*).

June 27th, 1864.—Mr. Garfield voted for a Senate amendment to the tariff bill, fixing a duty of sixty cents per one hundred pounds on all iron imported in bars for railroads, and inclined planes made to patterns and fitted to be laid down on such roads or planes (*Globe, part 4, 1st sess. 38th Cong., p. 3312*).

July 10th, 1866.—A tariff bill being under consideration, Garfield voted against reducing the duty on railroad iron to 50 cents per hundred pounds and then voted to make it 70 cents per hundred pounds (*Globe, part 4, 1st sess. 39th Cong., p. 3723*).

December 8th, 1868.—Garfield voted for a bill increasing the duty on imported copper and copper ores (*Globe, part 1, 3d sess. 40th Cong., p. 15*).

February 8th, 1869.—The bill went back to the House from the Senate with the rates of duty largely increased, and Garfield voted for the Senate amendments (*Ibid part 2, p. 960*).

May 23d, 1870.—Garfield voted against a motion offered by Mr. Judd, of Illinois, to suspend the rules and pass a bill to reduce duties on sugar, molasses, iron, etc. (*Globe, part 4, 2d sess. 41st Cong., p. 3737*).

June 6th, 1870.—An internal revenue bill being under consideration, Mr. Schenck offered an amendment imposing increased duties on tea, coffee, sugar and other necessities of life. In fact it was a regular tariff bill injected into an internal revenue bill. Garfield voted for it (*Ibid, part 5, p. 4106*).

June 20th, 1870.—The House had in the above bill raised the duty on live animals from 20 to 30 per cent. *ad valorem*, and had so increased the duties on potatoes and fish that they were almost prohibitory. A resolution was offered directing the Ways and Means Committee to reduce the duties on potatoes and fish 50 per cent. Garfield voted for its reference to the Ways and Means Committee without instructions, and thus practically defeated it (*Ibid, p. 4603*).

February 26th, 1872.—A resolution declaring it to be the judgment of the House that the duty on pig iron should be reduced to five dollars per ton or less, was rejected. Mr. Garfield voted against it (*Globe, part 2, 2d sess. 42d Cong., p. 1217*).

#### DUTY ON PRINTING PAPER.

January 23, 1865.—Mr. E. B. Washburne introduced for passage a joint resolution to reduce the duty on printing paper unsized, used for books and newspapers exclusively, to three per cent. *ad valorem*. Mr. Garfield voted to lay the joint resolution on the table; he also voted against ordering the main question and fought it at every stage down to the final passage. He wanted the rate of duty put higher (*Globe, part 1, 2d sess. 38th Cong., pp. 369 and 370*).

March 3d, 1865.—The above bill was returned from the Senate with an amendment increasing the duty to 15 per cent. Garfield voted for that amendment. He also voted against tallying the bill, which the friends of cheap paper desired to do (*Ibid., part 2, p. 1416*).

#### DUTY ON SUGAR.

April 28, 1864.—An internal revenue bill being under consideration Mr. Garfield voted for an amendment increasing the duty on sugar from one to two cents per pound (*Globe, part 2, 1st sess. 38th Cong., p. 1942*).

#### DUTY ON COAL.

June 6th, 1870.—Mr. Garfield voted against a resolution directing the Ways and Means Committee at the earliest practicable moment to report a bill abolishing the duty on coal, was to secure that important article of fuel to the people free from all taxation (*Globe, part 5, 2d sess. 41st Cong., p. 4101*).

#### SPIES AND INFORMERS.

April 1st, 1872.—A bill was passed to dispense with informers in the internal revenue service. Gen. Garfield voted against it (*Globe, part 3, 2d sess. 42d Cong., p. 2077*).

#### SAN DOMINGO.

December 12, 1870.—Mr. Banks offered a resolution authorizing the President to appoint a commission in regard to the acquisition of San Domingo. Mr. Cox moved to lay the resolution on the table. That would have killed, at once, what afterwards turned out a great scandal. General Garfield voted against the motion to table (*Globe, part 1, 3d sess. 41st Cong., p. 66*).

January 9th, 1871.—The Senate having passed a joint resolution similar to the above, Mr. Orth moved to suspend the rules and pass the Senate joint resolution. General Garfield voted for it. The rules were not suspended, however. Then Orth reported back the House bill. The opposition filibustered successfully against it, but finally Orth succeeded in having the Senate bill taken up for consideration. Mr. Garfield voting in favor of it all the time (*Ibid., pp. 381 and 84*).

January 10th, 1871, the joint resolution was passed with the aid of Garfield's vote (*Ibid., p. 416*).



## THE FRANKING PRIVILEGE.

Jan'y 20, 1869.—In a bill to restrict and regulate the franking privilege was a clause prohibiting persons entitled to the privilege from receiving through the mails any mail matter free of postage except public documents printed by order of Congress. Gen. Garfield voted to strike that clause from the bill (*Globe, part 1, 3d sess. 40th Cong., p. 480*).<sup>1</sup>

## BELLIGERENT RIGHT TO CUBANS.

January 28th, 1872.—Mr. Voorhees offered a resolution to recognize the belligerent rights of the Cubans in their war against Spain. Gen. Garfield voted against it (*Globe, part 1, 2d sess. 42d Cong., p. 685*).

## THE CHINESE QUESTION.

March 22d, 1869.—Gen. Garfield voted against a resolution declaring that the Fifteenth Amendment to the Constitution never intended to confer the right of suffrage upon Chinese or Mongolians (*Globe, 1st sess. 41st Cong., p. 202*).

## NO SYMPATHY FOR IRELAND.

March 8th, 1867.—A resolution was offered extending the sympathy of the people of the United States to the people of Ireland, in their struggle for constitutional liberty. Gen. Garfield was one of fourteen members who voted against considering the resolution, and then voted to refer it to a committee (*Globe, 1st sess. 40th Cong., p. 36*).

## MUZZLING THE SUPREME COURT.

In January, 1868, the Republicans became fearful that the Supreme Court would upset some of their unconstitutional reconstructive laws, so a bill was introduced to prevent it, by declaring what should be a quorum, &c., of the Court. It was a virtual interference with the prerogatives of that tribunal. Gen. Garfield voted with the bill at all its stages (*Globe, part 1, 2d sess. 40th Cong., pp. 476-77 and 78*).

## GARFIELD AND GENERAL SHIELDS.

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### HIS INGRATITUDE TO A SCARRED VETERAN OF THREE WARS.

There was a bill introduced in the Forty-fifth Congress authorizing the President to appoint James Shields a brigadier-general in the United States Army, on the retired list, with rank and pay from and after the passage of the act. General Shields was then without means of support, and so broken by disease contracted in the service of his country in the field, and so enfeebled by age and infirmity that his Democratic friends in Congress resolved to do a last act of simple justice by placing him on the retired list of the army, and thus provide a dying veteran with food and shelter. It was an extreme case, and the dictates of humanity, to say nothing of the acknowledged services of the grand old hero during a long and brilliant career in the field, would seem enough to justify any proper measure of relief.

General Shields was then nearing his grave, dying only a few months afterwards in great poverty. He was not only a soldier of honorable fame, but a Democratic statesman of great ability and unsullied patriotism, having served as Senator in Congress from three different states of the Union.

When the vote was taken on a motion to suspend the rules and pass this bill, the yeas were 112 and the nays 55. To the surprise of every lover of justice in that House JAMES A. GARFIELD voted NAY (*see Cong. Record, 45th Cong., 3d sess. p. 2,387*).

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## GARFIELD AGAINST FREE SALT.

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### MR. GARFIELD OPPOSES THE REPEAL OF THE DUTY ON SALT.

A motion was made by Mr. Hatch on January 13th, 1880, to suspend the rules and pass the following bill to provide for the importation of salt duty free:

*Be it enacted, &c.,* That no duty shall be levied or collected, directly or indirectly, on the importation of salt brought into any port of the United States; but salt, fine or coarse, in bulk or in bags, sacks, barrels, or other packages, may be imported free of duty.

Sec. 2. That all laws or regulations of the Treasury Department in conflict with this act be, and the same are hereby, removed.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Mr. Conger objected to its consideration, but the objection was overruled by the Speaker. Mr. Conger then moved to adjourn, and on that motion demanded the yeas and nays. The vote being taken the yeas were 97, nays 128. Mr. Garfield signified his opposition to the bill by voting YEA.

The motion to adjourn having failed the question occurred on the motion of Mr. Hatch to suspend the rules and pass the bill. The yeas and nays being called for the question was decided in the negative, yeas 115, nays 115. Mr. Garfield being recorded among those *not* voting (*see Cong. Record, January 13th, 1880, p. 18*).

On the following day Mr. Garfield rose in his place and said:

Mr. Speaker: I find that in the list of yeas and nays on the Journal, on the motion yesterday to suspend the rules and pass the bill for the repeal of the duty on salt, I am recorded as not voting. I wish the correction to be made. *I voted against the motion.*

So the Journal was corrected and Mr. Garfield's vote was recorded in the *negative* (*Id. January 14th, 1880, p. 4*).



# MR. GARFIELD DENOUNCED BY THE REPUBLICANS OF HIS OWN DISTRICT.

## GEN. GARFIELD'S REPUBLICAN CONSTITUENTS PASS JUDGMENT.

On the 7th of September, 1876, the Republicans of the Nineteenth Congressional district of Ohio opposed to the return of James A. Garfield to Congress met in convention at Warren, Ohio, and organized. A committee on resolutions was appointed, which, after mature consideration, submitted the following, which was adopted:

Be it by this independent convention of Republicans of the Nineteenth Congressional District of Ohio,

First. *Resolved*, That dishonesty, fraud and corruption have become so common, notorious and obvious in the administration of our national government, as to be not only humiliating and disgraceful in the estimation of every honest and intelligent citizen, but to imperil the prosperity of the people, if not the stability of the government itself.

Second. *Resolved*, That this deplorable condition of the administration of our national government is largely due to the election to office and continuance therein of corrupt, dishonest and venal men.

Third. *Resolved*, That it is useless and hypocritical for any political party to declare for reform in its platforms, papers and public addresses, while it insists on returning to high official place and power men who have been notoriously connected with the very schemes of fraud which render reform necessary and urgent; that to send those to enact reform who themselves need reforming to make them honest, is worse than setting the blind to lead the blind.

Fourth. *Resolved*, That there is no man to-day officially connected with the administration of our national government against whom are justly preferred more or graver charges of corruption than are publicly made and abundantly sustained against James A. Garfield, the present representative of this Congressional district and the nominee of the Republican convention for re-election.

Fifth. *Resolved*, That since he first entered Congress to this day there is scarcely an instance in which rings and monopolies have been arrayed against the interests of the people, that he has been found active in speech and vote upon the side of the latter, but in almost every case he has been the ready champion of rings and monopolies.

Sixth. *Resolved*, That we especially charge him with venality and cowardice in permitting Benjamin F. Butler to attach to the Appropriation bill of 1873 that ever-to-be-remembered infamy, the salary steal, and in speaking and voting for that measure upon its final passage; and charge him with corrupt disregard of the clearly expressed demand of his constituents that he should vote for its repeal, and with evading said demand by voting for the Hutchinson amendment.

Seventh. *Resolved*, That we further arraign and denounce him for his corrupt connection with the Credit Mobilier, for his false denials thereof before his constituents, for his perjured denial thereof before a committee of his peers in Congress, for fraud upon his constituents in circulating among them a pamphlet purporting to set forth the findings of said committee and the evidence against him, when, in fact, portions thereof were omitted and garbled.

Eighth. *Resolved*, That we further arraign and charge him with corrupt bribery in selling his official influence as Chairman of the Committee on Appropriations to the DeGolyer Pavement Ring, to aid them in securing a contract from the Board of Public Works of the District of Columbia; selling his influence to aid said ring in imposing upon the people of said District a pavement which is almost worthless at a price three times its cost, as sworn to by one of the contractors; selling his influence to aid said Ring in procuring a contract to procure which it corruptly paid, \$97,000 "for influence;" selling his influence in a matter that involved no question of law, upon the shallow pretext that he was acting as a lawyer; selling his influence in a manner so palpable and clear as to be so found and declared by an impartial and competent Court upon an issue solemnly tried.

Ninth. *Resolved*, That we arraign him for the fraudulent manner in which he attempted, in his speech, delivered at Warren, on the 19th day of September, 1874, to shield himself from just censure in receiving the before-named \$5,000, by falsely representing in said speech that the Congress of the United States were not responsible for the acts of said board, nor the United States liable for the debts created thereby, when in truth and in fact, as he then well knew, the said Board of Public Works and the officers of said District were but the agents and instruments of Congress, and the United States, was responsible for the indebtedness by them created.

Tenth. *Resolved*, That we arraign him for gross dereliction of duty as a member of Congress in failing to bring to light and expose the corruption and abuse in the sale of post traderships, for which the late Secretary Belknap was impeached, when the same was brought to his knowledge by

Gen. Hazen in 1872, and can only account for it upon the supposition that his manhood was debauched by the corruption funds then by him just received and in his own purse.

Eleventh. *Resolved*, That the law of 1873, known as the act demonetizing silver, was enacted in the interest of gold rings, bondholders and capitalists and against the interest of the taxpayers and without their advice or knowledge. That this act, by a single blow, has seriously crippled our power to resume specie payments or pay our national debt in coin. That no sufficient reason has yet been given for this legislation, so dishonest and palpable in its discrimination in favor of the small creditor class and capitalists and against the great debtor class and the industrial interests of the country. That James A. Garfield during the last session of Congress was the conspicuous defender of this crafty attempt to sacrifice the interests of the people to bondholders and foreign capitalists. That when it was proposed to restore the old silver dollar to the place it had held during our history as a nation as a legal tender for all debts, public and private, he denounced the attempt as "a swindle on so grand a scale as to make the achievement illustrious" and as a "scheme of vast rascality and colossal swindling."

Twelfth. *Resolved*, That neither great ability and experience or eloquent partisan discussion of the dead issues of the late war will excuse or justify past dishonesty and corruption or answer as a guaranty of integrity and purity for the future.

Thirteenth. *Resolved*, That believing the statements in the foregoing resolutions set forth, we cannot, without stultifying our manhood and debasing our self-respect, support at the polls the nominee of the Republican convention of this district for re-election, nor can we, without surrendering our rights as electors and citizens, sit silently by and see a man so unworthy again sent to represent us in the national legislature. That strong in the conviction of right, we call upon the electors of the district, irrespective of former or present party attachment, who desire honest government, to unite with us in an earnest, faithful effort to defeat the re-election of Gen. Garfield, and elect in his stead an honest and reliable man.

The result of this expose was a majority for Mr. Garfield of twenty-nine hundred and ninety-one votes less than the head of the Republican state ticket received in the Nineteenth district. Garfield's majority was 3,569 less in his Congressional district in 1876 than Hayes received in it for President.

#### AN ADDRESS TO THE REPUBLICAN VOTERS OF THE NINETEENTH (OHIO) CONGRESSIONAL DISTRICT.

SEPTEMBER 10, 1876.

*Fellow Citizens*: We who address you were appointed a committee for this purpose by an independent convention of Republicans assembled for the purpose of putting in nomination a suitable person as candidate for Congress in opposition to James A. Garfield.

The cause which impelled the calling of that convention and inspired its action are set forth in the resolutions by it adopted and printed herewith. To the indictment contained in those resolutions and the evidence submitted in support thereof, we respectfully call your attention and ask your candid consideration.

We have no grievances. We never sought favors at Mr. Garfield's hands, and have no personal quarrel with him. On the contrary we have been among his warmest political friends and supporters and now only attack his acts and conduct in public life and the character he has thereby attained.

It is easier to float with the tide than to row against it and we regret the necessity that compels us to denounce him.

It is fitting that as true men we should seek the cause and remedy for this state of ruin and we look not far nor long. Corruption in office and want of wisdom in legislation loom up before us. We review with pride our party history and achievements, but we now see fraud in high places eating at its vitals. Its revenue officers are found stealing and dividing with whisky rings. Its secretaries sell post traderships. Its Congressmen raise their own salaries and make them retroactive; take great fees for argument on pavement jobs before boards of their own creation and pocket the dividends of great frauds like the Credit Mobilier. Corruption rides in \$1,600 landaulets, purchased at government expense, and Congressmen build palaces at the Capitol while the people toil and sweat under their burdens—they forget that they are but the servants of the nation and act as if they were its owners seeking to wring from it the greatest possible number of dollars for their own purposes.

The Republican party has done much to purify itself within itself. Its Whisky



Ring Revenue officers are convicted and imprisoned, Belknap is deposed and impeached and only escapes conviction by a technicality. Its Salary Stealing, Credit Mobilier, Pavement Jobbing Congressmen are mostly retired. James A. Garfield remains. Richard C. Parsons, his compeer as a great patent pavement lawyer nominated without opposition in a district Republican last year by 6,500 majority, was buried at the polls by Henry B. Payne, a Democrat, by 2,500 majority. The office-holders nominated him, but the brave, honest people rebuked them.

James A. Garfield fell from 10,935 majority in 1872 to 2,526 majority in 1874. "Oh, what a fall was there, my countrymen!" Rebuked, shorn of character for truth and integrity, all that is noble in manhood almost defeated, he stands a sad and blackened monument of avarice and greed.

By the arts of the orator and demagogue, of which he is a consummate master, he is striving and struggling and may postpone the day of his final doom, but he bears upon his front the writing on the wall "mene, mene, tekel upharsin."

"Whom the gods would destroy they first make mad."

Forgetting his duty to his country and his constituents, in his haste to serve his bond-holding masters, on the 13th of July, 1876, he committed himself to the defense of that great fraud upon the people, the demonetization of the silver dollar, and denounced its restoration as a "swindle on so vast a scale as to make the achievement illustrious."

That speech, so weak in its logic and so damning in its political heresies, and so ruinous to the high pretensions of statesmanship of its author, is suppressed by the Republican editors of his district and is only to be found in the Congressional Record. Holding post-offices and places of emolument at his will, they dare to raise their voices only in his praise.

If the Republican party would survive, it must strike from its rolls the last dishonored name and select only honest, true and brave men to fill its high places.

Flaming oratory upon the horrors of Andersonville and Libby, and the disordered condition of the South, are a poor compensation for want of integrity. The fools who believe that another great rebellion or payment of the rebel debt are imminent, are only found in the post-offices and lunatic asylums. The people know better, and that cry of the demagogue to arouse their fears, that he may get their votes, ought to be of no avail.

G. N. TUTTLE,  
P. BOSWORTH,  
H. H. HINE, of Lake county.  
J. A. GIDDINGS, of Ashtabula.  
D. E. DURFEE, of Geauga.  
L. D. BROWN, of Portage.  
A. YOUMANS, of Trumbull.

## GARFIELD AGAINST THE SHIPBUILDERS OF NEW ENGLAND.

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REVIVAL OF OUR COMMERCIAL MARINE—MR. GARFIELD SPEAKS AND VOTES  
ADVERSELY.

On the 28th day of August, 1870, Mr. Lynch, of Maine, introduced a bill to revive the navigation and commercial interests of the United States. This bill premised that the late war had nearly destroyed the merchant marine of the country, and that now (*i. e.*, 1870) it had no protection from foreign competition as afforded to other great national interests and industries, and was therefore steadily declining; that its restoration, constituting as it did one of the most efficient means of defense in time of war, was of great national importance and necessary to the maintenance of our position as a first-class power, and therefore enacting, in substance as follows:

That on all imported lumber, timber, hemp, manila and composition metal, and iron and steel not advanced beyond rods, bars and bolts, plates, beams and forgings, used and wrought into the construction of steam or sail vessels built in the United States, for any portion of such vessels, there should be allowed and paid by the Secretary of the Treasury, a rebate or drawback equal to the duties on such material, and that where American material should be used in the construction of iron, steel, or composite vessels or steamers, there should be allowed and paid an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported.

The bill also provided that all ship stores and coal to be consumed by any vessel on its voyage from any port of the United States to any foreign port might be taken in whole packages in bond and disposed of for such purposes, free of import and internal duty and tax.

In order to further encourage the restoration of our commercial supremacy on the seas, the bill enacted that the owner of an American sail or steam vessel engaged for more than six months in the year in the carrying trade between American and foreign ports, or between the ports of foreign countries, should, at the end of each fiscal year, be paid by the collector of the port where registered, on every sail vessel one dollar and fifty cents for each registered ton; on every steamer running to and from the ports of the North American provinces, one dollar and fifty cents for each registered ton; and on every steamer running to and from any European port, four dollars per registered ton; and on every steamer running to and from all other foreign ports, three dollars each registered ton. Also, that in lieu of all duties now imposed by law, a duty of thirty cents per ton be imposed on all ships, vessels or steamers entered in the United States from foreign ports, the receipts of vessels paying such tax being relieved from the tax



imposed by section 103 of the Act of June 30, 1864, and that vessels of all classes trading regularly between ports of the United States and Mexico, and south of Mexico down to and including Aspinwall and Panama and ports of the British North American provinces, and with the West Indies, should not be required to pay this tonnage more than once a year. The act to be in force ten years.

This bill was debated in the morning hour during a number of weeks, and several amendments were offered to it.

On May 24, the bill had progressed so far that the pending question was on ordering the main question on its engrossment and third reading.

The yeas and nays were called and MR. GARFIELD voted NO, and the main question was not ordered (*Globe*, 41st Cong., 2d sess., 3708).

The vote was very full on this call, the motion failing by only 12 majority.

In the debates which followed, Mr. Lynch, finding the opposition in his own party too great to justify any hope of its passage, so modified his bill as to limit its operations practically to the removal of duties from all imported material going into the manufacture of American ships.

It should be recollected that early in the Forty-first Congress, a special committee of the House had been instructed by resolution to devise some means for the restoration of our perishing commercial marine, and that after patient and diligent investigation a sub-committee, of which Mr. Lynch was chairman, had reported this bill, and it had been fraternized by the special committee.

The bill as now modified by Mr. Lynch simply proposed to allow American ship builders to import materials for ship building, and for ship supplies free of duty.

Mr. GARFIELD, in opposing the bill, whether as originally offered or as modified, claimed that it gave great advantages to builders of ships for the coastwise trade, which he held had not suffered except by the competition of railroads (*Mr. Garfield had some Credit Mobilier stock*). He said this proposition would take ten millions a year out of the treasury, and that it would not give any relief to our ocean commerce. He contended that for the purposes of foreign trade it was inadequate, and for purposes of the coastwise trade it was unnecessary, and therefore he hoped it would be laid on the table (*Globe*, 41st Cong., 2d sess., pp. 3785, 3786).

On May 27th the bill being again under discussion, Mr. Allison moved to lay it on the table. The motion was lost, but under a call for the yeas and nays Mr. GARFIELD voted YEA (*Globe*, 41st Cong., 2d sess., p. 3862).

On the 31st of May the bill was variously amended and finally reached the stage where Mr. Allison called for the yeas and nays on ordering it to be engrossed and read a third time. The call was sustained, and the motion was lost, MR. GARFIELD voting NO (*Globe*, 41st Cong., 2d sess., p. 3958).

Mr. Maynard moved to reconsider the vote.

Mr. Allison moved to lay that motion on the table.

The motion was lost, MR. GARFIELD voting YEA (*Globe*, 2d sess., p. 3959).

The bill was then recommitted to the special committee, where it slept the sleep that knows no waking.

## GARFIELD AGAINST THE DISTILLERS OF HIS OWN STATE.

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On the 21st of January, 1878, Mr. Blackburn introduced a joint resolution (H. R., No. 90) extending the time for the withdrawal of distilled spirits then in bond, until July first of the same year. The resolution was referred to the Committee of Ways and Means, and ordered to be printed.

At that time there was great agitation throughout the country on the subject of the reduction of the tax on distilled spirits. The subject was pending in the Committee of Ways and Means, and what their action would be was problematical. Meantime persons interested in distilling spirits and holding spirits in bond then under a limitation for one year, were in a disagreeable predicament. All the whisky that had then been in bond for one year had to be drawn out from month to month during the period of this agitation, with the prospect impending of a reduction on the tax. The distiller who was thus forced to withdraw was also compelled to pay a tax of 90 cents per gallon, with the market falling on him in view of the anticipated reduction of the tax. In consequence he was required to pay so heavy a tax, that it withdrew that amount of his capital to be bestowed upon a product that he could not get a sale for. There was danger that a large number of distillers, from whom the government was deriving a very large part of its revenue, would go under in view of these conditions. The abstraction of a large portion of the capital invested from this industry to pay the tax, had the effect to cause many distilleries to stop running, and there was a prospect that many more of the largest distilleries would have to suspend operations. The reduction in the production would be followed by a corresponding reduction in the revenue receipts, and the receipts of the government were likely to be seriously affected unless Congress passed the measure proposed at once.

The Commissioner of Internal Revenue foreseeing what was likely to occur, actually drew up the resolution above referred to, and urged its immediate passage as a measure of necessary relief.

Two days after its introduction it was placed on the House Calendar, and was called up by Mr. Tucker of Virginia.

In the discussion which took place upon it Mr. Garfield said :

I appreciate all that the gentleman from Virginia [Mr. Tucker] has said in regard to the serious effect upon the business of the country of any threatened change in our revenue laws. Such a change always produces a very serious effect. What he has said on this particular resolution is but one out of many examples of the serious effect produced when the manufacturers of the country are in anticipation of some great and sweeping change, uncertain as yet but probable to come upon their various interests. I think, however, that no wise or just consideration of revenue can properly take out one from the whole mass of our industries and give it exceptional advantages, as this joint resolution proposes to give to the manufacturers of distilled spirits. If this joint resolution be passed and is followed up by a reduction of the tax on whisky, that will amount substantially to this : that all the whisky now in existence and the tax upon which it is suspended under the operation of this joint resolution until the 1st of July next, will escape the present rate of taxation,



and will pay only the reduced rate when it comes. \* \* \* There will be offered when we come to the discussion under the five minutes' rule, an amendment which, if the House is willing to adopt it, will settle all this at once. *I believe we ought not to reduce the taxes at all*, and, therefore, we ought not to pass this resolution (*Cong. Record, 45th Cong., 2d sess., p. 574*).

Mr. Sayler caused to be read a letter from the Commissioner of Internal Revenue advocating the passage of the resolution, in which that official said :

The question of reducing the tax on spirits has already largely affected the withdrawal of spirits for sale, and is seriously affecting the business interests involved. It occurs to me as a very proper thing to do, pending the discussion of this question of reducing the tax, to give distillers the option of allowing their products to remain in bond.

The resolution was debated at some length, and was again taken up on the 30th of January. In the meantime various amendments had been submitted.

Mr. Banning submitted a telegram from distillers of Cincinnati paying \$6,000,-000 a year taxes on distilled spirits, urging the passage of the joint resolution.

A substitute was offered to strike out all after the enacting clause and insert in lieu thereof, "that the reduction of the tax on distilled spirits is inexpedient." This substitute was adopted, Mr. GARFIELD VOTING YEA (*Cong. Record, 45th Cong., 2d sess., p. 680*).

The resolution as amended was adopted.

# GENERAL GARFIELD AND CHINESE IM-MIGRATION.

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On the subject of Chinese immigration, which is of such vital importance to the people of the Pacific Coast, Garfield is as usual Janus-faced. His record as a member of Congress is in direct conflict with his letter of acceptance. In his letter of acceptance, dated July 12, General Garfield says :

The material interests of the country, the traditions of its settlement and the sentiments of our people have led the government to offer the widest hospitality to emigrants who seek our shores for new and happier homes, willing to share the burdens as well as the benefits of our society, and intending that their posterity shall be an indistinguishable part of our population. The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such an emigration, either in its purposes or its results. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration. Recognizing the gravity of this subject, the present administration, supported by Congress, had sent to China a commission of distinguished citizens for the purpose of securing such a modification of the existing treaty as will prevent the evils likely to rise from the present situation. It is confidently believed that these diplomatic negotiations will be successful, without the loss of commercial intercourse between the two powers, which promises a great increase of reciprocal trade and the enlargement of our markets. Should these efforts fail, it will be the duty of Congress to mitigate the evils already felt and prevent their increase by such restrictions as without violence or injustice will place upon a sure foundation the peace of our communities and the freedom and dignity of labor.

Two letters of acceptance by General Garfield have been published; one of them was printed—presumably before it was revised—July 11, in all the daily papers of Ohio, and was dated July 10. In this one he says of Chinese immigration :

The question of Chinese immigration is a living and leading topic of the social and political economy of the states of the Pacific. While, as a representative of an Ohio constituency I voted against Chinese proscription, in response to a public sentiment that every representative should be bound to respect, my views as a citizen of the Republic of States, are not compromised thereby. I have given this subject much thought and careful investigation, and am convinced that a servile race, emigrating to this country, not to become citizens, but merely for mercenary gain, should, in accordance with the sentiment expressed in our platform, be restrained from landing upon our shores or invading our territory. Nor can it be argued that citizenship is due the Chinese as much as the children of the continent of Africa. The African makes this country his home. The Chinese refuses either to become a citizen, or to assimilate himself into our social and political fabric.

On the 7th day of January, 1879, the Speaker laid before the House a letter from the Secretary of State of Oregon, transmitting a memorial of the legislature of that state relative to Chinese immigration, which was referred to the Committee on Education and Labor. The petition was ordered to be printed in the Record, and is in substance as follows :

The Legislative Assembly of Oregon represent that the continued immigration or importation of Cooly slaves or Chinese laborers into that State is a violation of treaty stipulations, which provide that such immigration *shall be voluntary, and is a very serious injury to the laboring classes of the entire Pacific coast*, by the reduction of wages to starvation prices; that such importation tends to drive white and all other free labor out of our country, and ultimately *compel all who subsist by manual labor to the alternative of choosing between starvation and crime*. The petition also states that at least 75 per cent. of all the earnings of said Chinese, or Cooly, slave labor, instead of being in our midst, is sent to China never to return, thus withdrawing the coin from our country and rapidly diminishing our circulating medium, to the great injury of the best interest of the entire Pacific coast. That such labor does not contribute to the wealth and prosperity of the country by the acqui-



sition of property and the payment of taxes, but, by pauperism and crime, are a continual source of expense to the country and municipalities of the Pacific coast states. That the Burlingame treaty of 1868 has never been maintained on the part of China in accordance with its intent and meaning. The right of migration and immigration which it recognizes was to be entirely voluntary, and to be exercised in view of expatriation. That the Chinese have no right to be admitted under the circumstances under which they come—that is to say, in hordes and in a condition of semi-slavery, and obligated to perform a term of servitude. That the privilege accorded to contracting parties was upon condition that the immigration to either country by the subjects or citizens of the other should be a voluntary act. That China has utterly failed to have this condition observed; therefore, the memorialists pray Congress to modify the treaty referred to so as to stop the importation of Chinese and other Asiatic laborers to the Pacific coast (*Record, 45th Cong., 3d sess., p. 361*).

Immediately after the ratification of the Burlingame treaty between the United States and China, the so-called Chinese Six Companies of California was organized with a view to speculating in the labor of the Asiatic races. In a short time their operations assumed majestic proportions, and a regular system of *peonage*, similar to that now existing in Mexico, was established, the Six Companies enjoying the profits of the contracts made with the coolies for a term of years. Thus in a few years the labor system of the Pacific coast states was completely revolutionized; the Mongolian people, subsisting on a few cents a day, could starve American free laborers and drive American competition entirely out of the field. This state of things has produced its logical results in California, Oregon, Nevada, and the Pacific coast territories, and is the source of the existing volcanic condition of labor all along that coast to-day.

#### THE BILL TO RESTRICT CHINESE IMMIGRATION.

On the 14th of January, 1878, Mr. Wren, of Oregon, introduced a bill to restrict the immigration of Chinese to the United States. This bill prohibited the master of any vessel from taking on board at any port of China, or other foreign port or place whatever, more than ten Chinese passengers with intent to bring such passengers to the United States, or from bringing on any one voyage more than ten such passengers within the jurisdiction of the United States, under penalty, on conviction, of payment of one hundred dollars fine for each such passenger in excess of ten, so brought within the jurisdiction of the United States, with imprisonment six months, in the discretion of the court. The bill also provided penalties, imposed liens on the vessels violating the act, and subjected them to libel in any competent court of the United States. It also prohibited our consuls in China from granting certificates for more than ten Chinese passengers on any one vessel.

On the same day, in 1879, Mr. Willis, of Kentucky, reported this bill back to the House from the Committee on Education and Labor, with amendments, and it was ordered to be printed and made the special order for the 28th of January. On the day named, Mr. Willis called up the bill for consideration, and it was read. After some preliminary skirmishing, the report of the committee on the bill was read. The report discusses the question whether it is in the power of Congress to repeal a treaty; dealt with the obnoxious features of the Burlingame compact, and the evils complained of under them, and concluded in the following language:

"That these complaints are not without cause cannot, upon the evidence, be doubted. Your Committee, in a report accompanying joint resolution, H. R. No. 123, at the second session of this Congress, endeavored to present what seemed to them some insuperable objections to Chinese immigration. Further examination of facts only confirms the conclusions therein stated. This whole question is not one of right, but of policy. There is no principle upon which we are compelled to receive into our midst the natives of Asia, Africa or any other part of the world. The character, sources and extent of immigration should be regulated and controlled with reference to our own wants and welfare. The difficult problems, economic and political, resulting from the presence of the red and black races would be renewed in a more aggravated and dangerous form by the yellow race. The Mongolian, unlike the Indian, is brought in daily contact with our social and political life; and, unlike the African, does not surrender any of his marked peculiarities by reason of that contact. It is neither possible nor desirable for two races as distinct as the Caucasian and Mongolian to live under the same government without assimilation. The degradation or slavery of one or the other would be the inevitable result. Homogeneity of ideas, and of physical and social habits,

are essential to national harmony and progress. Equally grave objections may be urged against the Chinese from an industrial standpoint. Our laboring people cannot and ought not to be subjected to a competition which involves the surrender of the sacred and elevating influences of home and the sacrifice of the ordinary appliances of personal civilization. The question, therefore, is not one of competition, but of a substitution of one kind of labor for another.

No self governing country can afford to diminish or destroy the dignity, the welfare and independence of its citizens. Justice to the people of the Pacific Slope, the dictates of common humanity and benevolence, as well as the plainest suggestions of practical statesmanship, all demand that the problem of Chinese immigration shall be solved while it is yet within the legislative control.

"Governed by these views, your committee present and recommend the passage of the bill accompanying this report."

The bill was then debated, and the amendments considered and agreed to, and the question recurring on engrossing and third reading, Mr. GARFIELD proposed an amendment to prevent the bill from going into effect until the Chinese empire be apprised of the termination of the treaty. Mr. Garfield characterized the bill as one merely for party capital.

The amendment was declared to be out of order.

The motion to engross and pass to a third reading was agreed to, and it was read a third time. On its passage, under a call of the yeas and nays, GEN. GARFIELD DODGED. It was passed, however, by 155 yeas to 72 nays (*Record, 45th Cong., 3d sess., p. 801*).

The Senate considered and passed the bill on the 15th of February, and it came back to the House with amendments.

Mr. Willis moved to take it from the Speaker's table and concur in the Senate amendments. This was agreed to.

Mr. Garfield: I reserve the right to demand separate votes on the amendments.

The previous question was seconded and the main question ordered.

Mr. Willis moved to reconsider the vote by which the main question was ordered, and also moved that the motion to reconsider be laid on the table.

This motion was agreed to.

Mr. Garfield: I call for separate votes on each amendment of the Senate.

A motion was made to lay the bill and amendments on the table. This motion was lost by 95 yeas and 140 nays. Mr. GARFIELD VOTED YEA (*Record, 45th Cong., 3d sess., p. 1796*).

The Senate amendments were then concurred in.

The bill then went to the President, who, on the 1st day of March, returned it to the House unapproved and accompanied by a veto message. After the message was read, the question was, "Will the House, on reconsideration, pass this bill, notwithstanding the objection of the President? The yeas and nays were ordered, and the result was yeas 110, nays 96. Two thirds not voting in the affirmative, under the constitutional provision the bill stood rejected. GEN. GARFIELD VOTED NAY (*Record, 45th Cong., 3d sess., p. 2277*), thus clenching his opposition to the passage of the bill, and illustrating his disrespect for the dignity and humanity of American labor, his contempt for the working man of his own race, and his willingness to force white American free laborers into competition for their daily bread with a race that knows no God, no morality and no obligations of social decency.

MR. GARFIELD IS THE EXPONENT OF HIS PARTY ON THE CHINESE QUESTION.

It is plain from the foregoing, that the administration of Mr. Hayes and the Republican party of the United States, stand squarely upon the doctrine enunciated in the votes of MR. GARFIELD in the House upon the bill to restrict Chinese immigration. This is plainly demonstrable from the tone of the veto message of Mr. Hayes, who in it speaks for the party that made him President by monstrous fraud. Mr. Hayes in his veto message says:

A denunciation of a treaty by any government is, confessedly, justifiable only upon some reason both of the highest justice and of the highest necessity. \* \* \* As the power of modifying an existing treaty, whether by adding or striking out provisions, is a part of the treaty making power under the Constitution, its exercise is not competent for Congress, nor would the assent of China to this partial abrogation of the treaty make the action of Congress, in thus procuring an amendment of a treaty, a competent exercise of authority under the Constitution. The importance, however, of this special consideration seems superseded by the principle that a denunciation of a part of a treaty, not made by the terms of the treaty itself separable from the rest, is a



denunciation of the whole treaty. As the other high contracting party has entered into no treaty obligations, except such as include the part denounced, the denunciation by one party of the part, necessarily liberates the other party from the whole treaty.

I am convinced that, whatever urgency might, in any quarter or by any interest, be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protections. *Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject in the proper course of diplomatic negotiations will introduce any new features of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in promoting this legislation, I cannot but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country.*

It is rendered still plainer when shown as below, that the great apostle of the Republican party, the man who maintained to the day of his death absolute leadership of the Republican organization, and who, when he spoke, never failed to indicate the line of political procedure for the party; gave utterance to sentiments so pronounced in advocacy of the promiscuous influx of Chinese on our shores, as to shock the moral sense of every enlightened American.

#### HON. OLIVER P. MORTON

was chairman of a joint select committee of the two Houses, to investigate the Chinese question, appointed in 1876, and which during the summer of that year sat at the Palace hotel in San Francisco long enough to compile a volume of testimony making 1,281 printed octavo pages. This testimony was presented to the Senate by Mr. Sargent, one of its members, on the 27th of February, 1877. Mr. Sargent made the report on account of the then illness of Senator Morton, who subsequently gave notice that he would at a future day submit some remarks to the Senate on the Chinese question. He did not live long enough to realize the intention indicated in person; but he left behind him the written manuscript on that subject which he had prepared, and which was, on the 17th of January, 1878, referred to the Senate Committee on Foreign Relations, and ordered to be printed to accompany the report which had been made by Mr. Sargent, his colleague on the committee. Thus the views of that chief apostle of the Republican party speak to-day to the people of California and the country as from the grave.

The pamphlet quoted from is Senate Miscellaneous Document No. 20, 2d session, Forty fourth Congress, and is entitled

#### "VIEWS OF THE LATE OLIVER P. MORTON

on the character, extent and effect of Chinese immigration to the United States."

In this document, Mr. Morton starts out with the doctrine that:

A cardinal principle in our government, proclaimed in the Declaration of Independence, in the Articles of Confederation, and recognized by our Constitution, is, that our country is open to immigrants from all parts of the world; that it was to be the asylum of the oppressed and unfortunate. It is true that when the government was formed, and for nearly three-quarters of a century, no immigration was contemplated except from nations composed of white people; but the principles upon which we professed to act, and the invitation we extended to the world, *cannot and ought not to be limited or controlled by race or color, nor by the character of the civilization of the countries from which immigrants may come.* Among the nations of Europe, civilization widely varies, conflicting in many important particulars, and differing greatly in degree. *Nor should the operation of these principles be limited on account of the religious faith of nations.* Absolute religious toleration was regarded by our fathers as of vital importance. Not only were the different sects of Christians to be tolerated, but the deists, atheists, *the Mahomedan and the Buddhist* were to be free to express and enjoy their opinions.

Further along Mr. Morton discourses thus:

As to all other rights of foreigners coming to our shores to work, to trade, or to live and acquire property, we have never made any distinction. To do that now would be a great innovation upon the policy and traditions of the government, and would be a long step in the denial of the brotherhood of man and the broad, humanitarian policy inaugurated by our fathers.

The limitation of the right to become naturalized to white persons was placed in the law when slavery was a controlling influence in our government, was maintained by the power of that insti

tution, and is now retained by the lingering prejudices growing out of it. After having abolished slavery and by amendments to our Constitution and the enactments of various statutes establishing the equal civil and political rights of all men, without regard to race or color, and, at a time when we are endeavoring to overcome the prejudices of education and of race, and to secure to colored men the equal enjoyment of their rights, it would be inconsistent and unsound policy to renew and reassert the prejudices against race, and another form of civilization by excluding the copper-colored people of Asia from our shores. It would be again to recognize the distinctions of race and to establish a new governmental policy upon the basis of color and a different form of civilization and religion. In California the antipathy to the Mongolian race is equal to that which was formerly entertained in the older states against the negro; and although the reasons given for this antipathy are not the same, and the circumstances of its exhibition are different, still, it belongs to the family of antipathies springing from race and religion.

#### TENDER CONSIDERATION FOR THE HEATHEN CHINEE.

As Americans, standing upon the great doctrine to which I have referred, and seeking to educate the masses into their belief, and charged with the administration of the laws by which equal rights and protection shall be extended to all races and conditions, we cannot now safely take a new departure, which, in another form, shall resurrect and re-establish those odious distinctions of race which brought upon us the late civil war, and from which we fondly hoped that God in his providence had delivered us forever. If the Chinese in California were white people, being in all other respects what they are, I do not believe that the complaints and warfare made against them would have existed to any considerable extent. Their difference in color, dress, manners, and religion have, in my judgment, more to do with this hostility than their alleged vices or any actual injury to the white people of California. The inquiry which the committee were instructed to make does not involve the political rights or privileges of the Chinese. As the law stands, they cannot be naturalized and become citizens; and I do not know that any movement or proposition has been made in any quarter recently to change the law. But the question is, whether they shall be permitted to come to our country to work, to engage in trade, to acquire property, or to follow any pursuit.

But before entering upon the discussion of any other principles, I may be permitted to observe that, in my judgment, the Chinese cannot be protected in the Pacific States while remaining in their alien condition. *Without representation in the legislature or Congress, without a voice in the selection of officers, and surrounded by fierce and, in many respects, unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage, when their votes would become important in elections, and their persecutions, in great part, converted into kindly solicitation.*

But in his solicitude for injecting this race of Joss worshippers, among Americans, and making them citizens, Mr. Morton betrays his adherence to another pet Republican dogma, to wit: That of undeviating hostility to American commerce, and an anxiety and fear that, by restricting the exodus of Chinese from their native shores, we shall interfere seriously with the dominancy of the British carrying trade. In this connection he says:

#### TENDER CONSIDERATION FOR BRITISH COMMERCE.

In considering any proposition to prohibit Chinese immigration, or to limit it, we must bear in mind the fact, fully established by the evidence, that the Chinese landing upon our Pacific coast come entirely from the British port of Hong Kong. Though subjects of the Chinese Empire, they embark at a British port, and in that respect are invested with the rights of British subjects, and in any legislation or treaty by which we would propose to limit or forbid the landing upon our shores, of Chinamen, or any other class of people embarking at a British port, we must deal with the British Government, and not that of China. With the laws of England, or the marine regulations by which the people of China are permitted to enter a British province and to embark from a British port, we have nothing whatever to do; but it is quite clear that any legislation of ours which would interfere with the landing upon our shores of any class of people embarking at a British port, whether they be Chinese or Japanese subjects, would be an interference with the trade and commerce of that port. It may be an important commercial matter to Great Britain that the port of Hong Kong shall be open to the reception of people from China or any other part of the world who propose to emigrate to the United States or any other country, and if we cut off such emigration, in whole or in part, it is not an interference with the Government of China, for which we should answer to that government, but with the Government of England. Our refusal to permit a Chinaman to land, who had embarked at a British port upon a British vessel, would certainly be a question with the English government, and not with that of China.

#### THE HEATHEN CHINEE AS GOOD AS ANYBODY.

The following excerpts from this interesting pamphlet will give the intelligent reader an idea of Mr. Morton's honest opinion of the moral and religious condition and capacities for equal citizenship with Americans the race of men whom he was willing to make voters, and to endow with every other right now possessed by the American people:

The intellectual stagnation in China is the result of their institutions. The minds of men have been diverted from science and the arts to the endless ceremonies and ritual of innumerable gods. It was said long ago that "no people can rise above the plane of the gods they worship"; and Chinese civilization long ago rose to the level of the gods.

\* \* \* \* \*



Nearly all of them upon their arrival become members of one or the other of the Six Companies in San Francisco, for which they pay an initiation fee, and through that they do their business, make their contracts for labor, make remittances to China, deposit their money, and make arrangements for the return of their bones to China, should they die.

A few families have come, but nearly all the men are unmarried. About five thousand Chinese women have come, the most of them prostitutes, imported by procurers, who manage and dispose of them on their arrival.

A vice to which they are peculiarly addicted is gambling. This they carry on extensively.

A common vice with them is perjury in the courts. The testimony shows them in many instances to have very imperfect conceptions of the obligations of an oath. They are in every respect free men, and no form or semblance of slavery or serfdom exists among them. But it is also true that their prostitutes are imported as slaves, and are often bought and sold for that purpose in San Francisco. It is, of course, a voluntary bondage in this country, but it is submitted to by the miserable beings, who are helpless and defenseless among strangers, and must submit to the will of their masters for the mere matter of existence. In many cases Chinámen who buy them live with them as wives and raise families. Labor must needs be free, and have complete protection, and be left open to competition. Labor does not require that a price shall be fixed by the law, or that men who live cheaply, and can work for lower wages, shall for that reason, be kept out of the country.

#### BAYARD TAYLOR'S TESTIMONY.

But the testimony of another distinguished Republican politician, scholar and political writer may also be given, to show the character and moral attributes of a race whom Mr. Morton and the Republican party were willing to see placed on an absolutely political and social equality with American citizens.

Mr. Bayard Taylor, lately deceased, at the time of his death American Minister at the German Empire, in his work on India, China and Japan, published in 1855, says :

"It is my deliberate opinion that the Chinese are, morally, the most debased people on the face of the earth. Forms of vice, which in other countries are barely named, are, in China, so common that they excite no comment among the natives. They constitute the surface-level, and below them are depths of depravity so shocking and horrible that their character cannot even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind ; but there was enough in the things which I could not avoid seeing and hearing—which are brought almost daily to the notice of every foreign resident—to inspire me with a powerful aversion to the Chinese race. *Their touch is pollution ;* and, harsh as the opinion may seem, *justice to our own race demands that they should not be allowed to settle on our soil.* Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past centuries."

All the above is Republican testimony ; and it was to impose upon the millions of American citizens who have their homes on the Pacific coast the infliction of a people such as is described and testified to in the extracts made, that GENERAL GARFIELD consented, when he voted against Mr. Wren's bill ; that MR. HAYES consented, when he vetoed that bill ; and that the Republican party of the United States, including MR. GARFIELD, consented, when it sustained that veto in the House of Representatives.

## DUTY ON PRINTING PAPER.

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On the 3d day of March, 1865, Mr. Garfield voted in favor of increasing the duty on printing paper from *three to fifteen* per cent. *ad valorem*. The bill, as it passed the House, fixed the duty on paper *used exclusively for books and newspapers* at three per cent. When the bill went to the Senate the following amendment was adopted:

“There shall be levied, collected and paid, a duty of FIFTEEN per cent. *ad valorem*.”

Mr. Washburne moved to concur in the Senate amendment, and demanded the previous question.

Mr. Holman called for the yeas and nays, and the question was decided in the negative—yeas 53, nays 67. Mr. GARFIELD recording his vote in the *affirmative*.

Thereupon Mr. Farnsworth moved to lay the amendment on the table, and on a call of the yeas and nays the motion was lost—yeas 46, nays 63.

Again Mr. GARFIELD stood by the monopolists by voting *nay* (*Cong. Globe*, 38th Cong., 2d sess., p. ).

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## MR. GARFIELD'S OPPOSITION TO FOREIGNERS.

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On the 8th of March, 1867, at the first session of the Fortieth Congress, Mr. Fernando Wood asked unanimous consent to offer the following resolution:

*Resolved*, That this House extends its sympathy to the people of Ireland in their pending struggle for constitutional liberty. If the despotic governments of Europe shall be allowed to establish monarchical institutions in America, so should the United States foster and promote the extension of republican institutions in Europe.

Mr. Broomall (Rep.) objected. The motion was then to suspend the rules to enable the resolution to pass. The question was taken, and there were 104 yeas and 14 nays. Thirteen of those who voted nay were Republicans, and James A. Garfield was one of that number.

In the *Congressional Globe*, April 17, 1871, first session, part 2, page 735, will be found the following:

Mr. Kinsella: I move a suspension of the rules and the adoption of the following resolution, which I send to the desk.

*Whereas*, a conference is now being held between joint high commissioners representing the government of the United States and that of Great Britain; and,

*Whereas*, it is expected and desired that the several questions which keep up unkind feeling between the people of the respective countries shall be settled through the labors of such joint high commissions; and

*Whereas*, the prolonged incarceration in the prisons of the Dominion of Canada of persons accused of violating the neutrality laws is a source of irritation to a large number of American citizens; therefore,

*Resolved*, That the President of the United States be respectfully requested to have the case of such persons presented before such joint high commission, to the end that their release may be effected.

James A. Garfield objected, and voted against the passage of this strictly just resolution, showing thereby his hatred not alone of the unfortunate Fenian prisoners referred to in the resolution, who were confined in Canadian dungeons for more than five years, but of the whole Celtic race.



## GENERAL GARFIELD'S RELIGIOUS INTOLERANCE.

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The Sundry Civil Appropriation Bill of first session, Forty-third Congress, came back from the Senate to the House, with a number of amendments, among which was one giving the sum of \$25,000 to a Catholic Institution in Washington, called "The Little Sisters of the Poor."

Mr. GARFIELD opposed the appropriation, because it was to aid an association strictly sectarian. He said that no woman not a Catholic could be a corporator in this charity.

Mr. Butler, of Mass., made the point that there could not be a Catholic in the Women's Christian Association of Washington, a Protestant organization, for which a similar amount had been appropriated.

Mr. GARFIELD, said:

The association known as the "Women's Christian Association," does not as such belong to any church. The members of that corporation are from various churches. But here is an association whose very title, "Little Sisters of the Poor," is, as I understand, descriptive of an order within the Catholic Church. Here is an organization composed exclusively of people of one religious denomination. Under its charter the members are wholly and only of one religious sect, and of one society within that religious sect.

After brief debate in which Messrs. Hoar and Butler, of Mass.; Cessna, of Pa.; and Parker, of Missouri, took ground in favor of the appropriation, the amendment was agreed to notwithstanding the opposition of Mr. GARFIELD (*see Record, 43d Cong., 1st sess., p. 5584*).

## CIVIL TENURE—IMPEACHMENT.

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Mr. Garfield first voted against the impeachment of Andrew Johnson, but afterwards repented, and became a furious advocate of impeachment. He had supported the Tenure-of-Office Act of March 2, 1867, and held that Andrew Johnson deserved to be impeached and turned out of the presidential office for violating that law in removing Edwin M. Stanton, and appointing Lorenzo Thomas to serve in his place, as Secretary of War. For seventy-five years the Presidents of the United States had exercised the power of appointing and removing the members of their Cabinets, and subordinate executive and ministerial officers. This power was conferred by the Constitution, and had always been so recognized by Congress. But when the Republican majority in the Thirty-ninth Congress discovered that Andrew Johnson was opposed to the policy of perpetuating disunion by keeping the states of the South in subjection to the will of lawless military upstarts, it was proposed to strip the President of all power to aid in restoring and upholding constitutional government. The Tenure-of-Office Act was the first attempt in this direction. It was designed to prevent the removal, by the President, of any officer, for any cause, who was devoted to the scheme of perpetuating the ascendancy of the Republican party.

The best legal minds of the country regarded that law as unconstitutional. The Attorney-General of the United States at the time so regarded it. Even Edwin M. Stanton, the Secretary of War, and a member of Mr. Johnson's Cabinet at the time the act was passed, advised Mr. Johnson that it was unconstitutional, and that it was his duty to veto it. President Johnson having made the removal, solemnly declared, in a message to the Senate, that his object was to place the question in such shape that it could be submitted to the courts for decision. If Mr. Johnson can be blamed at all in the matter of this removal of Stanton, it is that he delayed it too long; but his desire to submit the question thus raised to judicial determination, deserves the applause of every honest citizen.

Mr. Garfield trimmed his sails to the wind very closely in discussing civil tenure and impeachment. Of course, he would not have favored the impeachment of Johnson, *if the then acting Vice-President had been a Democrat*. The object of that stupendous farce was to place Ben Wade in the White House, and turn over to the Radical party all the offices of the country, and the whole power of every department of the government. Mr. Garfield found it convenient to abandon, for the time being, his cherished doctrine that the administration was the government. To sustain impeachment it was necessary to set up the theory that *Congress was the government*, whose supreme will Mr. Johnson had not recognized with the alacrity required by the Republican managers.

### CIVIL TENURE.

Mr. Butler introduced a bill (H. R. No. 3), to repeal the act of March 2d, 1867,



entitled "An Act Regulating the Tenure of Certain Civil Officers." The bill was passed without debate under the operation of the previous question, and on the call of yeas and nays on its passage, MR. GARFIELD DODGED (*Globe*, 41st. Cong., 1st sess., p. 40). The bill went to the Senate, where various propositions were made, all of which finally resolved themselves into the passage, by that body, of a substitute, to amend the Civil Tenure Act, by repealing the first and second sections, and substituting in their place two sections of the following purport :

1st. That every person holding any civil office, or to which he may hereafter be appointed by and with the advice and consent of the Senate, shall be entitled to hold such office during the term for which he shall have been appointed, *unless sooner removed by and with the advice and consent of the Senate, &c.*

2nd. Giving the President power during any recess of the Senate to suspend any civil officer, (except judges of the United States Courts,) until the end of the next session of the Senate, and to designate some one to perform the duties of such suspended officer in the meantime; and thirty days after the commencement of each session of the Senate to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended, and in case of the refusal of the Senate to advise and consent to an appointment in place of any suspended officer, then, and not otherwise, the President was given power to nominate another person for the place of the officer so suspended.

#### WANTED TO REPEAL THE LAW FOR GRANT'S BENEFIT.

The Civil Tenure Act passed in 1867, for the purpose of preventing Andrew Johnson from exercising the Presidential prerogative to remove obnoxious persons from office, became a plague to the Radical Congress on the accession of Ulysses S. Grant to the Presidency. Such interference with the Executive power as had compelled President Johnson to retain in office, even Cabinet officers who were constantly plotting with his enemies for his overthrow, was at once deemed by the Radical House entirely too unjust to be exercised against Ulysses S. Grant; so the House, under B. F. Butler's domination, made haste to restore to Grant the prerogative they had torn by unconstitutional legislation from Mr. Johnson.

#### THE SENATE WANTED TO HOLD ON TO ITS POWER.

But the Senate having experienced the advantage of being able to dictate not only Executive appointments, but also Executive removals, was not willing to yield it up even to gratify their idol, President Grant. Hence the amendment of that body to the repeal measure of the House, whereby the Senate made it possible for any officer of the Federal government, howsoever unworthy, corrupt or dishonest, to stay in office so long as he might hold sufficient influence with the Senate to retain him. The Senate amendment went back to the House, and on the 25th of March Mr. Butler called it up from the Speaker's table, and moved to refer it to the Judiciary Committee. During the debate which followed this motion Mr. Butler used this language :

In other words we have now before us a proposition to clothe the Senate with power to control the appointments made by the executive. Now, I hold that it is against the principles of this government and against the theory of our constitution, that the executive officer of this government shall be called upon to do work when he cannot control, independent of everybody else, the appointments of the officers to do that work.

Why you put in a Collector of Internal Revenue and ask him to collect the taxes; and he cannot do so, because there is a power over him keeping unfit men in office, or giving them encouragement that they will be retained in office. President Grant, the Secretary of the Treasury, the Commissioner of Internal Revenue, cannot, while thus hampered, collect your taxes and execute your laws. Let us see where we are. The moment suspension takes place, then comes a quarrel, then comes a struggle in every district in the United States, between the man who has been removed and who hopes to get back and the man who has been appointed and who hopes to retain his place.

The struggle thus inaugurated will go on in every district for six or nine months, the effort being to see which can bring the strongest influence to bear upon the Senate.

Mr. Butler who had impeached Andrew Johnson, in 1867, mainly because he had resisted the operation of a law so evil in its operations, had come to think in 1869, what he embodied in the words above quoted. At all events, the Senate amendment went to the committee, of which Mr. Butler, was chairman.

Mr. GARFIELD under the call of the yeas and nays voted no.

Mr. Butler entered a motion to reconsider, and then the House adjourned.

The next day (March 26th), Mr. Butler called up his motion to reconsider the vote by which the bill had been referred to the Judiciary Committee, his announced reason being a purpose to see if an amendment could not be made which would cover the points of difference of the two Houses on it.

#### GARFIELD STANDS BY THE SENATE.

In the discussion which followed this motion, Mr. GARFIELD got the floor, and in the course of his remarks said:

I repeat that the whole impeachment trial was based on the proposition that the President alone did not possess the power of appointment or removal of any officer to whose appointment the consent of the Senate was necessary. \* \* \* The third article of impeachment which was voted for by the gentlemen from Massachusetts, charged directly that the President had attempted to appoint and remove without consent of the Senate while that body was in session. \* \* \* Now, Mr. Speaker, this subject was argued very elaborately in this House, and still more elaborately before the Senate, and this was the ground on which we planted our cause, that the power of removal except by impeachment is not conferred in express terms either upon the President or the Senate, but that it is incident to the power of appointment and that a man is removed from office, except in cases of impeachment only by the appointment of his successor, by and with the advice and consent of the Senate, the appointment so made and so confirmed incidentally working a removal. \* \* \* But as I said before, never by my vote shall Congress give up the constitutional principle, and allow to any one man, *be he an angel from heaven*, the absolute and sole control of appointments to and removals from office in this country. No feeling of pride that I belong to the House of Representatives and must therefore restrain the power of the Senate, shall keep me from doing this great act of justice and leaving upon the statute book the substantial principle of this law. \* \* \* I shall vote against all measures to delay or seriously to modify this bill. I shall vote against non-concurrence. I shall vote to concur in the bill as it comes to us from the Senate (*Globe Fortieth Cong., 2d sess., pp. 315, 316, 317*).

Mr. GARFIELD thus placed on the record his indorsement of the unconstitutional principle, which was nothing less than an usurpation by the legislative power of the Executive prerogative to remove Federal officers for cause without consulting the Senate.

#### A CONSERVATIVE REPUBLICANS VIEWS.

Mr. BLAIR, of Michigan, who was a member of the same political party as Mr. Garfield took exactly opposite ground. In the course of his remarks, Mr. Blair, said:

I thank the gentleman from New York (Mr. Davis), for calling the attention of the House to the fact that for the first time in the government of the United States, the aristocratic branch of the government has asserted its power in an amendment to an act which we have given them to have a voice in all removals from office. It says that the President of the United States shall not remove except by and with the advice and consent of the Senate, and for that amendment they ask us to vote. There is the whole question. They ask us to say here to-day for the first time under this government, no removals shall be made except by and with the advice and consent of the Senate. \* \* \* I say that I shall vote for no bill of the sort. \* \* \* I remember that while we come directly from the people with our commission from them, and while the President comes directly from the people and brings his commission from them, the body which sits at the other end of the Capitol does not come directly from the people, but from the legislatures of the states, and I shall resist as much as I can their getting this power into their hands.

After further debate, the motion to reconsider was agreed to, and the bill was taken up. And on the question to non-concur in the Senate amendment to the bill, Mr. GARFIELD on a call of the yeas and nays, voted YEA. So the amendment was non-concurred in. GENERAL GARFIELD stood up all the way through by voice and vote, in favor of concurrence in a proposition so glaringly and monstrously an act of usurpation and tyranny, that even Ben Butler, and Blair of Michigan, denounced it in the unmeasured terms above quoted.



## GENERAL C. A. ARTHUR'S CIVIL RECORD.

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Gen. Chester A. Arthur succeeded Thomas Murphy, Grant's old pet, as Collector of Customs of the Port of New York, December 21, 1871. Murphy was forced to resign by the pressure of the entire mercantile community of New York, who were outraged by his mal-administration of the custom-house. Gen. Arthur is the political creature of Roscoe Conkling. The Senator from New York ruled the Republican party of New York State with a rod of iron during Grant's administration. He controlled absolutely the vast patronage of the Federal government in the Empire State, and with the power of a despot rewarded his friends and punished his enemies. The New York custom-house is the heart of the Republican machine in New York State, from which vast arteries, like the blood channels in the human body, extend to the remotest sections of the commonwealth. The selection of Gen. Arthur as Collector of Customs made him Mr. Conkling's political lieutenant.

The expenditures annually in the custom-house during Gen. Arthur's eight years service as collector averaged \$2,500,000. There were employed in the custom-house during the greater part of his term of office 1,036 regular clerks, exclusive of the appraiser's department, consisting of deputies, clerks, inspectors, weighers and guagers. The immense political power exerted by this band of organized politicians can readily be imagined.

Of the character of Gen. Arthur's administration nothing can be learned, except from reports of Republican officials and commissions appointed by the Treasury Department to investigate the custom-house. The fitness of the Republican candidate for vice-president for election to the second highest position in the land can only be determined by the testimony of his own party associates. Those records are amply sufficient to prove his unworthiness for the high position he has been nominated for. The citizen who was removed from an administrative office by the *de facto* President and Senate of the United States for his faithlessness and incapacity should not be elected to the highest post of legislative honor under the government.

### INVESTIGATIONS OF THE CUSTOM-HOUSE.

In 1870 and 1871 the Joint Committee of Congress on investigation and trenchment investigated the New York Custom-House. Abuses of such magnitude were found to exist there that Collector Grinnell was removed and Murphy was installed in his place. The abuses grew under Murphy, and Arthur assumed the reins. When Murphy resigned, Grant eulogized him. Early in 1877 the Jay Commission, consisting of John Jay, Lawrence Turnure and J. H. Robinson, was appointed to investigate the New York custom-house. Nearly 70 per cent. of the customs revenues are collected at that port, and since 1872, the year following Mr. Arthur's appointment as collector, the receipts from customs had

steadily decreased, while the expenses of collection, with the exception of one year, had constantly increased. The following statement, taken from a letter of Secretary Sherman to William A. Wheeler, Jan. 15, 1879, shows the receipts and expenditures alluded to above:

YEAR.	RECEIPTS.	EXPENDITURES.
1872.....	\$148,381,446	\$2,301,496
1873.....	126,824,900	2,373,305
1874.....	10,972,062	2,466,192
1875.....	108,590,256	2,668,159
1876.....	101,745,268	2,516,309
1877.....	91,056,962	2,306,226

NOTE.—In 1876 there was a reduction of 10 per cent. of all salaries.

The Jay Commission made its first report in May, 1877, and recommended a reduction in the force of employees of 20 per cent. Collector Arthur opposed this reduction and said that a reduction of more than 12 per cent. would cripple the service. The reduction recommended by the commission was ordered, however, and an annual saving in salaries of \$235,298 effected. This circumstance proves beyond peradventure the oft repeated charge that men were borne upon the rolls of the custom-house who did no work, and were paid simply for political services.

#### ARTHUR FALLS OUT WITH THE FRAUDULENT ADMINISTRATION.

The operations of the Jay commission were very distasteful to Mr. Arthur. He wanted to be left alone. His chief, Senator Conkling, was sulking in his tent at the indifference manifested towards him by Mr. Hayes. He lost no opportunity of making faces at the Fraudulent Administration. He sneered at its measures and openly spoke contemptuously of the Cabinet. It was but natural that Gen. Arthur should share the opinions of his chief. Threats of a change in administration of the custom-house were heard, but Mr. Conkling defied the Administration to do its worst. John Sherman claimed that neither collector Arthur nor Naval Officer Cornell were in sympathy with the reforms recommended by the Commission. In the Fall of 1877 Mr. Arthur was requested to resign. The kind invitation was not accepted, and in September following Mr. Theodore Roosevelt was appointed Collector, and L. Bradford Prince Naval Officer of the Port of New York. The Senate met in December, and on the 13th of that month Mr. Hayes's nominations were rejected. The defeat of Roosevelt and Prince was due to the personal appeals of Mr. Conkling to his brother Senators. In July, 1878, Gen. Arthur was suspended, and Mr. Hayes appointed E. A. Merritt collector and Mr. Burt naval officer to succeed Mr. Cornell. Mr. Conkling having won one victory did not propose to abandon the fight.

As soon as Congress met in the following December the New York nominations were referred to the Committee on Commerce, and on the 27th of January, 1879, they were reported to the Senate with an adverse recommendation. It was at this stage of the proceedings that the Republican candidate for Vice-President was arraigned by the Secretary of the Treasury and his unfitness to retain public office shown in a manner which caused the prompt confirmation of his successor. On the 15th of January, 1879, John Sherman sent to the Senate the following Executive communication. It is an able exposition of the abuses which have grown up in this important department of the public service, and a clear statement of the manner in which those abuses were fostered by Gen. Arthur. The letter is as follows :



## GENERAL ARTHUR'S MALADMINISTRATION.

TREASURY DEPARTMENT, }  
Jan. 15, 1879. }

The Hon. WILLIAM A. WHEELER, President of the United States Senate:

SIR: I have the honor, by direction of the President, to transmit to the Senate the inclosed official reports to this Department relating to the abuses and irregularities in the New York Custom-House, and bearing upon the nominations pending in the Senate of Edwin A. Merritt, for Collector of Customs at the Port of New York, in place of Chester A. Arthur, suspended; and of Silas W. Burt as naval officer at that port in place of Alonzo B. Cornell, suspended. I beg to add a fuller statement of the causes that led to these nominations and suspensions than appears upon a public record.

The management of the Customs Service has for several years been open to much criticism in Congress, in the press, and in popular and business circles, founded upon alleged arbitrary abuses by the officers, and upon undervaluation and frauds. When I entered this office, I determined to make a full examination into these allegations, and into the existing methods of conducting the customs business, with a view to economy and reform, not only at New York, but at every other port of the United States.

The President took great interest in the matter, and heartily supported the measure proposed. The examinations were made mostly by committees of private citizens, and resulted in a large saving and many reforms.

Naturally the Port of New York, where about 70 per cent. of the duties on customs is collected, attracted the chief interest. It appears that for a series of years from 1872, the receipts from customs at that port have constantly diminished, while the expenditures have, with the exception of but a single year, steadily increased, as is shown by the following statement:

YEAR.	RECEIPTS.	EXPENDITURES.
1872.....	\$148,381,446 00	\$2,301,946 00
1873.....	126,824,900 00	2,373,305 00
1874.....	110,972,061 95	2,466,122 00
1875.....	108,590,256 44	2,668,159 07
1876 Reduction of all salaries 10 per cent.....	101,745,268 54	2,516,309 18
1877.....	91,056,967 67	2,606,226 61

## THE JAY COMMISSION.

Consisting of two eminent citizens of New York and one officer of the Department of Justice made a very full and elaborate examination of the methods of business in the custom-house at that port, and their reports, copies of which I have the honor to send you, show great abuses.

It appears from their first report that in May, 1877, there were in the collector's office 923 persons; in the naval office 81, and in the surveyor's office 32, making in all 1,036 permanent employees in the custom-house, exclusive of the appraiser's department, consisting of deputies, clerks, inspectors, weighers and gaugers, and that this number could be safely reduced 20 per cent. This reduction of 20 per cent. was opposed by Collector Arthur.

The second report shows that it was a common practice among entry clerks, withdrawal clerks, liquidating clerks, weighers, gaugers, inspectors and storekeepers to receive from importers and brokers irregular fees, emoluments, gratuities and perquisites in the nature of bribes.

This practice was a matter of general notoriety in the custom-house, and it does not appear that any effort was made by the collector, naval officer or surveyor to suppress it. \* \*

The third report shows that the gravest irregularities existed in the department of weighers and gaugers; that the larger number of the thirteen weighers and eight gaugers rendered but little, if any, personal service to the government; that the weighers' fireman performed but little service; that the weighers' clerks in some instances performed no duty; that in most, if not all, the weighers' offices men were hired as employees, and assigned to do the work of the regular clerks; that the number of laborers thus assigned varied from four to eight persons in each weigher's office; that the men so assigned had but little duty to perform; that persons were borne on the pay-rolls as laborers as a

## REWARD FOR POLITICAL SERVICES

who performed no service except to sign their names to the rolls and receive their pay; that a part of the weighable merchandise was not weighed by the government officers, but by city weighers, who furnished memoranda upon which the United States' weighers rendered their returns; that a part of the weighable goods were not weighed at all, but the marked weights on the packages were copied off and returned by the weighers as if weighed; that the weighers had adopted a schedule of irregular fees, which they illegally collected from merchants for special returns and copies of weights, delaying to make returns to the custom-house until the importers paid these irregular fees; that by reason of these irregularities the cost of weighing and gauging imported goods at the port of New York had increased to the enormous sum of \$346,524.80 per annum.

These evils were known to Collector Arthur, yet he made no attempt during his term of office to remedy them. \* \* \* The existence of all these irregularities was subsequently verified by independent investigations made under my direction.

\* \* \* It appears also from the evidence on file in this department that a vicious practice had for a long time existed of granting free permits for imported goods without authority of law. \* \* \*

From a detailed statement on file in this department, it appears that over two hundred of such permits were granted from March, 1874 till May, 1875. The value of the goods thus illegally delivered free of duty amounts to a very large sum. In a single instance the value was \$53,000. The total value it is impossible to estimate, from the fact that except in a very few cases no appraisement was had. From inspection of the papers it is apparent that much of this merchandise, if it had been properly entered and appraised, would have been subject to duty. The government has, therefore, by this illegal practice, lost a very large sum.

## ARTHUR'S COMPENSATION.

\* \* \* During the period of his service his compensation amounted to \$155,860.36, a detailed statement of which is herewith transmitted. An officer, charged with the high duties of the Collector of the Port of New York, and receiving such compensation, ought properly to be held responsible for all abuses that grew up or continued during his term of office; and the existence of such abuses is sufficient, if within his power to correct them, to justify his removal.

The President was strongly of the opinion, upon the reports of the Jay Commission, that the

## PUBLIC INTEREST DEMANDED A CHANGE

in the leading offices in the New York Custom-house. I preferred to try to execute the reforms proposed with Mr. Arthur in office, rather than a stranger. The President acquiesced in this view, but gradually it became evident that neither Mr. Arthur nor Mr. Cornell was in sympathy with the recommendations of the Commission, and could and did obstruct their fair execution.

The President became entirely satisfied that it was his duty to make a change in both offices; but, with the view of consulting the Senate, this was postponed until the beginning of the following session, when Messrs. Roosevelt and Prince were nominated for the offices of collector and naval officer. The Senate, however, deemed it best not to confirm these nominations, and, without further controversy or any attempt or desire to send to the Senate other nominations, Messrs. Arthur and Cornell remained in their positions.

## NO HOPE OF SECURING REFORMS.

A very brief experience proved that any hope of carrying out any systematic reforms or changes in the mode of conducting the business would be abortive while the collector held his position. The same system, the same persons, the same influences prevailed as before. \* \* \* General Arthur did not give that personal attention to the business of the office that would seem to be necessary for the proper discharge of its duties. He did not usually arrive at his office until after noon. Continued complaints came from other ports of entry that unconstitutional discriminations were made in favor of the port of New York by the methods of conducting business at that port: that allowances for damages, not permitted at other ports, were made; that a system of undervaluations prevailed; and that, by these means, important branches of business were turned from their usual course almost exclusively to the port of New York, causing reduction of the revenue and injustice to other ports and to the people of the United States.

I respectfully call your attention to the report of General Appraiser John F. Meredith and Special Agents N. W. Bingham and B. H. Hinds, of the date of July 17, 1878, a copy of which is herewith transmitted. These gentlemen having had long experience in the customs service, were directed to examine into alleged irregularities in the administration of the customs laws in the chief ports of the United States, and the general result of their examination is disclosed in their report. From the testimony taken and the documents referred to by them, all of which will be placed at your service, it would appear that the system of frauds complained of, including undervaluations, false classifications, improper weights and measures, and illegal damage allowances, was clearly proven. These officers say, in regard to Collector Arthur:

## A NEGLIGENT PUBLIC OFFICER.

It came to our notice early in our investigation that the collector, as a rule, neglected to appear at his office until Friday or after. \* \* \* A neglect of duty so conspicuously displayed in the presence of a large corps of subordinates, must inevitably have produced a very demoralizing effect, upon the *morale* of the office, and it is particularly lamented, as it occurred at a port of the magnitude of New York, where over twelve hundred subordinate officers are employed, and where nearly seventy per cent. of the entire customs duties of the country is collected.

In this connection we would respectfully call attention to our special report in relation to certain practices of

## SPECIAL DEPUTY LYDECKER,

and to the several reports in relation to him of a similar character, which, as we are informed, have heretofore been submitted to you. We were surprised to learn that Collector Arthur, after having been advised of the connection of his special deputy, Mr. Lydecker, with

## SCHEMES TO DEFRAUD THE GOVERNMENT,

and after proofs of such official misconduct had been submitted to him, still appears to repose in Lydecker the most implicit confidence, and to allow him to practically control the business management of the office. We found that the more honest and intelligent officials at the custom-house had long had reason to distrust Mr. Lydecker's integrity, and that the influence exercised by him over the collector had been for a long time the subject of comment among them. This matter, as well as the collector's neglect of office hours, was repeatedly referred to in an unfavorable manner by the merchants who were associated with us in the early part of our investigation at this port.

It would appear, also, from the special report made by the same officers, of the date of June 25, 1878, that Mr. Lydecker, the chief deputy, had been guilty of certain neglect and fraudulent practices therein stated. I also inclose a copy of a report of the date of May 2, 1878, made by Assistant Secretary French and J. H. Robinson, Assistant Solicitor of the Treasury, relative to the abuses and irregularities in the New York custom-house.

These documents, together with many detailed reports of officers of this department, convinced me, after several months' trial and consideration, that without any arraignment of the personal character of the collector and naval officer, the

## PUBLIC SERVICE DEMANDED A CHANGE

in the incumbents of these offices. Some time after the close of the session of Congress, and after the experiment had been fully tried, the President suspended these officers and appointed General Merritt, then surveyor of the port, as collector, and Mr. Burt as naval officer. Mr. Burt had been for years, practically, the naval officer, and had conducted the business with fidelity and



skill, to the satisfaction of all. Mr. Cornell held simply a sinecure position, the real duties being discharged by his deputy, and Mr. Burt is now performing the duties both of naval officer and those formally discharged by him as comptroller, the latter having been discontinued.

It is respectfully submitted that, under the circumstances, the restoration of Messrs. Arthur and Cornell would be a serious injury to the public service, involving a loss of public revenue and an increased revenue. It would establish a constant irritation and struggle between old abuses that existed and reforms that are sought to be accomplished. It would destroy the discipline of the department; for, after all, the collector of customs is but a subordinate of this department, and though possessed of great powers, can do but little without the sanction of the Secretary, but he may seriously obstruct the department in the conduct of business according to its ideas and plans.

#### IMPORTANCE OF THE NEW YORK COLLECTORSHIP.

It has been the established custom that this great office should be held as an administrative office, like that of a Cabinet minister; for the officer who collects over two-thirds of the revenue from customs performs functions equal to those of a Cabinet minister; but the law requires constant supervision and approval of his acts by this department.

To require this business to be performed by persons in hostility to the general policy of the administration, would create discord and contention where there ought to be unity and harmony. It would be unjust to the President and personally embarrassing to me in the discharge of my duties to have the office of collector of customs at New York held by one who will not perform his duties according to the general policy of the department.

I have the honor to be, very respectfully,

JOHN SHERMAN, Secretary.

HON. WM. A. WHEELER, President of the United States Senate.

Collector Arthur addressed a letter to Senator Conkling, in reply to the communication of the Secretary of the Treasury. Gen. Arthur attempted to justify his administration of the custom-house, but signally failed. On the 31st of January, John Sherman wrote a letter to the President on the subject of the abuses in the custom-house, which Mr. Hayes immediately transmitted to the Senate, with the following communication :

#### R. B. HAYES' OPINION OF ARTHUR.

*To the Senate of the United States :*

I transmit herewith a letter of the Secretary of the Treasury, in relation to the suspension of the late Collector and Naval Officer of the Port of New York, with accompanying documents. In addition thereto I respectfully submit the following observations :

The custom-house in New York collects more than two thirds of all the customs revenues of the government. Its administration is a matter not only of local interest merely, but is of great importance to the people of the whole country. For a long period of time it has been used to manage and control political affairs.

The officers suspended by me are, and for several years have been, engaged in the active

#### PERSONAL MANAGEMENT OF THE PARTY POLITICS

of the city and state of New York. The duties of the offices held by them have been regarded as of subordinate importance to their partisan work. Their offices have been conducted as a part of the political machinery under their control. They have made the custom-house a center of partisan political management.

The custom-house is a business office. It should be conducted on business principles. General James, the Postmaster of New York City, writing on this subject says : "The post office is a business institution and should be run as such. It is my deliberate judgment that I and my subordinates can do more for the party of our choice by giving the people of this city a good and efficient postal service, than by controlling primaries or dictating nominations." The New York custom-house should be placed on the same footing with the New York post-office. But under the suspended officers the custom-house would be one of the principal political agencies in the state of New York. To change this, they profess to believe, would be, in the language of Mr. Cornell, in his response, "to surrender their personal and political rights."

Convinced that the people of New York and the country generally wish the New York custom-house to be administered solely with a view to the public interest, it is my purpose to do all in my power to introduce into this great office the reforms which the country desires.

With my information of the facts in the case, and with a deep sense of the responsible obligation imposed upon me by the Constitution "to take care that the laws be faithfully executed," I regard it as my

#### PLAIN DUTY TO SUSPEND THE OFFICERS IN QUESTION,

and to make the nominations now before the Senate, in order that this important office may be honestly and efficiently administered.

R. B. HAYES.

EXECUTIVE MANSION, January 31, 1879.

SHERMAN ARRAIGNS ARTHUR FOR "UNLAWFUL PRACTICES, FRAUGHT WITH GREAT DANGER TO THE REVENUE."

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY. }  
Washington, D. C., January 31, 1879. }

THE PRESIDENT: The letter of Mr. C. A. Arthur, late Collector of Customs at New York, of the date of the 21st inst., to the Hon. Roscoe Conkling, Chairman of the Committee on Commerce of the Senate, was first seen by me in the New York *Tribune* of the 28th inst.

On the 23d inst., and before Mr. Arthur's letter was acted upon by the committee, I caused to be delivered to the chairman of the committee a request for a copy of it, to enable the department to verify any statement in its letter of the 15th inst. which might be disputed by Mr. Arthur, and to present such answer to his allegations as would place the whole case before the Committee.

To this request no answer was made, and I am not now advised whether it was communicated to the Committee. It is to be presumed that it was not done, for it appears by the public journals that the committee acted upon the nominations before an opportunity had been given to the department to establish the reasons stated by it for the suspension of Mr. Arthur.

#### READY TO SUPPLY THE PROOFS.

I now repeat that all the allegations stated in department letter of the 15th inst., are susceptible of closest proof, and the department is prepared to verify them if it is the pleasure of the Senate to give the opportunity.

Mr. Arthur thinks that if the department letter of the 15th inst. contains all that can be said against his administration of the office of collector, his suspension is directly contrary to all the professions of your administration, and a violation of every principle of justice. This is a matter of opinion as to what constitutes just cause of removal. If to secure the removal of an officer it is necessary to establish the actual commission of a crime, by proofs demanded in a court of justice, then it is clear that the case against Mr. Arthur is not made out, especially as his answer is held to be conclusive without reference to the proofs on the public records and tendered to the committee and the Senate.

But if it be held, that to procure the removal of Mr. Arthur it is sufficient to reasonably

#### ESTABLISH THAT GROSS ABUSES OF ADMINISTRATION

have continued and increased during his incumbency; that many persons have been regularly paid on his rolls who rendered little or no service; that the expenses of his office have increased while collections have been diminishing; that bribes, or gratuities in the nature of bribes, have been received by his subordinates in several branches of the custom house; that efforts to correct these abuses have not met his support, and that he has not given to the duties of his office the requisite diligence and attention, then it is submitted that the case is made out. This form of proof the department is prepared to submit.

That the mode of conducting public business in the custom house in New York during the entire administration of Mr. Arthur as Collector, was subject to grave criticism is hardly a matter of dispute. The developments made by the Committee of the Senate in 1872, of which Mr. Buckingham was chairman, excited the attention of the country. The abuses which sprang out of the moiety system were fully disclosed by the examination and discussion that preceded the passage of the Anti-moiety Act of 1874. Numerous reports of special agents called the attention of the department to existing irregularities.

Mr. Arthur, himself, claims credit for attempts to bring about reforms, and admits that at the beginning of his administration there was a necessity for a very large reduction of expenses. Kindred abuses which it was believed had crept into the public service in all parts of the country, led to a general examination of the methods of conducting the customs business in the chief cities of the United States. The Jay Commission was organized to conduct such examination at the port of New York.

#### MR. ARTHUR COMPLAINS OF THE PERSONNEL OF THIS COMMISSION AND THE MANNER OF PURSUING ITS INQUIRIES.

It appears from the correspondence with Mr. Arthur that he was both personally and by letter consulted as to the persons forming this commission.

He came to Washington on the 14th of April, 1877, and was fully advised of the object of the investigation. He was authorized to, and did, confer with each member of this commission, and selected Mr. Turnure as one of them. It was the desire of the department that Gen. John A. Dix, formerly naval officer, should be the chairman of the commission, and, through Mr. Arthur, he was invited to accept that position, but the dangerous illness of his son prevented him from accepting. Mr. Arthur then tendered the position to Mr. Royal Phelps, of New York, but he, too, declined. Then, with the concurrence of Mr. Arthur, Mr. Jay was named by the department as chairman, and he, with great reluctance, consented to serve in that position. Mr. Robinson, the third member of the commission, is an officer of the Department of Justice, holding the position of Assistant Solicitor of the Treasury. No special agent or officer of this department served on the commission, and I never heard any objection to any member of it made by Mr. Arthur until after its report. The two citizens selected on the commission were of opposite politics, and men of eminent position and high character.

He complains of the mode of their proceeding; but it appears that he testified before them that every person he requested to be called was called and examined, and every opportunity was given to him to present his view of the facts. His complaint of unfair treatment by the department is entirely unfounded. He states that the first notice of his intended removal was accompanied with an offer of an

#### IMPORTANT FOREIGN APPOINTMENT

under another department of the government. This statement is entirely inconsistent with the pretense that he was treated unjustly.

In September, 1877, after the first two or three reports of the commission, Mr. Arthur freely talked of resigning—said he had private business that demanded his attention; that the passage of the anti-moiety act had greatly reduced the compensation of the office, and that he had no great desire to retain it.

In seeking his resignation I earnestly desired to avoid controversy in the Senate at the beginning of your administration. Changes had been made during the count of the electoral vote in the tenure of offices in New York that I believe indicated that any change made by the present administration, however important to the public service, would be contested.

#### THE TENURE OF OFFICE ACT,

of which your predecessor complained, left it within the power of the Senate to compel you to



employ, in the discharge of the most delicate executive duties imposed upon you by the constitution and the laws, persons whom you believed unfit to be trusted with such duties, and the well known practice in the Senate to defer largely to the Senator representing the party in the state where the office is located, made it at all times difficult and sometimes impossible to make the necessary changes.

When Mr. Arthur declined to resign, I still hoped that the reforms suggested by the commission might be executed by him, and the voluminous correspondence of the department will show the difficulties encountered and the kindly action of the department to Mr. Arthur. If I committed any fault in connection with this matter, it was in not concurring heartily and promptly in the logic of the reports which demanded a change in the leading officers of the custom-house. \* \* \*

The Senate having rejected the nominations, Mr. Arthur continued in the office. The correspondence will show that after that time every proper effort was made to secure his co-operation in the necessary reforms, but without success, except in an unwilling way that

#### OBSTRUCTED WHILE CONSENTING.

I come now to the specific charges to which he replies; and, first, as to the gratuities in the nature of bribes given to clerks and other employees. \* \* \*

The evidence taken shows that most of the witnesses who were interrogated on this point, testified that gratuities were constantly received. It was in testimony with regard to inspectors, that they were anxious to be sent to discharge *steamers* rather than sailing vessels, because they were paid by the owners of the steamships

#### A GRATUITY OF FROM TEN TO FIFTY DOLLARS,

technically called "*house money*." The agent of one of the lines stated that thirty dollars was paid to each inspector discharging their steamers as "*house money*." The agent of another, testified that perquisites were constantly paid to inspectors for discharging vessels; that the shorter the time the vessel was to be in port the larger the amount paid; that the inspectors received a gratuity for permitting the vessel to discharge before the custom-house permit reached the ship; that if these fees were not paid, the inspector had it in his power to delay the vessel in many ways, and that it was merely a question between the owner and the inspector as to how much it was worth to the former to obtain these facilities; that is, whether it was cheaper to pay the inspector a gratuity for obtaining these facilities than to have the inspector stand upon the strict letter of the law, and throw obstructions in his way. It was also in testimony that other irregular fees were constantly received by inspectors, customarily called

#### "HATCHETS" AND "BONES,"

"hatchets" being fees received from merchants for the privilege of holding their goods on the dock, instead of going into the general-order store at once, and "bones" being paid by passengers for favors extended to them "in the examination of their baggage." With regard to weighers it was testified that there was a complete list of irregular fees adopted by all of them, to be exacted of merchants for supplying copies of weights. These fees ranged from two cents to thirty cents a ton for iron and other metals, and a schedule upon which the foreman of the weighers was accustomed to make the demands, shows in detail the amount to be collected upon each barrel, package and bag, upon rice, sugar and many other articles. It was also distinctly testified, that the collector's entry clerk received fifteen cents for each entry from brokers and merchants, for facilities in passing the entries.

#### THE RECEIPT OF THESE IRREGULAR FEES

for entry withdrawal, export entry and refund clerk was afterward fully shown from the books of the custom-house.

In addition to all this it is clear, from letters addressed to the Jay Commission, by the collector, naval officer and surveyor, in regard to this very question, that the practice of taking illegal fees was well known. \* \* \*

Mr. Arthur speaks of my action in relation to the retaining in office a certain entry clerk and an inspector shown to have received money from brokers. But the evidence before me was clear that and conclusive that this practice was common to all such clerks. \* \* \*

The reply of Mr. Arthur to the charge made by the department "that a vicious practice has for a long time prevailed of allowing free permits for imported goods without authority of law," is a complete evasion of the charge. It is true that the law allows certain goods to be admitted free of duty after a lawful examination by proper officers, and it is the daily practice in accordance with the law to issue permits for that purpose, but these are not the permits of which the department complains, but permits issued by the collector and deputy collector without authority of law for the

#### FREE ENTRY OF GOODS SUBJECT TO DUTY

without examination and without appraisement, and as a matter of favor to individual persons. Such a practice, whether of long or short duration, opens the door to fraud, invites the commission of like frauds by all subordinates, and exempts friends and favorites from equal burden of the revenue laws. \* \* \*

As these permits were granted in most cases without lawful examination of the goods, it is impossible to tell how great or how little was the value of the goods thus illegally admitted, or whether they conformed to the invoices. The single case referred to by Mr. Arthur, \* \* \* where the value was alleged to be \$53,000, was cited simply as an instance that these illegal entries are not articles of trifling value, and in that case it is admitted that no examination or entry of the goods was made in conformity to law. \*

In the case to which reference has been made, Mr. Lydecker issued an order to the inspector at the importing vessel to send the package to the importer's place of business, and the merchandise was thus delivered without question.

The record shows, that for years, under Mr. Arthur's administration these

#### IMPROPER PRACTICES WERE OF ALMOST DAILY OCCURRENCE,

and the articles thus permitted to pass without entry or payment of duty embraced merchandise in many instances of very considerable value, such as horses, carriages, jewelry, cases of wines, bran-

dies and other liquors, cases of cigars, and packages the contents of which are not known, and may have been of great value. These unlawful practices fraught with

#### GREAT DANGER TO THE REVENUE AND TO THE REPUTATION OF HONEST MEN,

Mr. Arthur treats as trivial in character and scarcely worthy of mention. The particular cases are not stated here, as injustice might be done to persons in this way, but, if desired, a full statement of all the facts shown upon the records will be given of these cases, from which it will appear that they are not "the harmless free permits granted in the ordinary course of business to free goods," but are in violation of law, of dangerous example, and, if permitted, can be made the cover of fraud to any extent with little danger of detection.

I stated that clerks engaged in making statements for refunds in the well-known "Charges and Commissions" cases received gratuities for the work done by them for the attorneys themselves, who were pressing these cases before the Courts and Department.

In what manner does Mr. Arthur answer this grave charge? He begins by explaining that several years since it was the custom for the attorneys to compel the referee by subpoena to produce before himself the papers lodged in the custom-house, and while in his hands to permit the calculation to be made by persons employed by the attorneys; that the practice was afterwards changed at the suggestion of the Solicitor of the Treasury for the reason that it would be better to employ clerks in the custom-house, as then the original entries and invoices would not be removed from the custody of the government.

In accordance with this suggestion, clerks were employed on this work and, of course, Mr. Arthur states, they were

#### PAID BY THE IMPORTERS

and their attorneys, the work being outside of government hours and not done for the government.

It will thus be perceived in the statement of Mr. Arthur himself, that under his collectorship, as a matter of course, clerks were allowed to receive illegal fees from importers and their attorneys, pressing claims for refund, many of which were without foundation. \* \* \*

It appears from documents submitted to the House of Representatives and oral statements made to the Committee on Appropriations in the presence of the attorneys for these claims, that forged protests were introduced in many cases to give jurisdiction in such cases; that there was a failure to plead the statute of limitations; that the amount already paid on these antiquated claims is \$1,980,000; and that there are still claims pending, all of which are over fourteen years old, which if allowed, would require the further sum of at least \$750,000. It is now contended by the Department of Justice before the courts of New York, that the great body of

#### THESE CLAIMS ARE FRAUDULENT.

While Mr. Arthur admits that expenses increased and receipts from the revenue steadily diminished during his administration, he claims that there were improperly, if not illegally, charged to the expense of collection large amounts over which he had no control, and which, in strictness, had nothing to do with current expenses.

But, leaving out of consideration the extraordinary expenses to which he refers, as well as those incurred by the Naval Office and Surveyor's and Appraiser's Department, it is shown, by the accompanying tabular statements, made up by the treasury registers, giving the number and compensation of the employees in the several divisions of the collector's office, and of the weighers, gaugers and inspectors, all appointed upon the nomination of the collector, that the force and expenses of his own department increased steadily from the date of assuming his duties as collector to the 30th of June, 1874, in number 251 persons, and in amount \$384,574 more than in 1871, and this in the face of the fact that the receipts had fallen off in the time mentioned many millions of dollars. \* \* \*

#### INCREASE OF EXPENSES BY GENERAL ARTHUR.

In the collector's immediate office it is seen that the force and expenses were increased from eight persons and \$13,200 in 1872, to eighteen persons and \$36,700 in 1877. \* \* \* Mr. Arthur compares the cost of weighing for the year ending June 30, 1872, with the cost for the year ending June 30, 1873, showing a decrease in favor of the latter year of \$7,767.91.

When it is considered that *tea* and *coffee* were made free July 1, 1872, and that there were, therefore, many millions of packages weighed in 1872 for which there was no corresponding expense for 1873, the ingenious character of this defense will be appreciated, especially as free tea and coffee were not forgotten when a decrease of revenue receipts was to be accounted for.

Mr. Arthur assumes that in my letter of the 15th he is held responsible by the department for the falling off of the revenue, which in fact was caused by the reduction of taxes. No such accusation was made against him, but it is insisted that while by law taxes were reduced, and the labor of his office diminished, the expenses were increased. \* \* \*

Two of the weighers directly state that the receipt of these [illegal] fees was a custom long established, and known to and approved by the collector and surveyor of the port. \* \* \*

Mr. Arthur attempts to defend his deputy against the charges contained in the Meredith Commission by characterizing them as "stale," referring to the fact that the transaction occurred ten years ago. \* \* \*

The evidence in relation to the principal charge, and which is most conclusive and unanswerable, was first brought to the attention of the department by said report. This evidence consists of orders issued by Mr. Lydecker that appeared upon the fraudulent entries and invoices in his own hand and over his own signature. \* \* \*

It is submitted whether the Statute of Limitations, which may operate as a bar to criminal prosecution and so enable a guilty officer to escape the punishment of the law, can properly be urged for the purpose of securing his retention in office. \* \* \*

Among the reports to this department, to which attention was called by Messrs. Meredith, Bingham and Hinds, in their report of July 17, 1878, as reflecting upon the official conduct of Special Deputy Collector Lydecker, is a report by a special agent, dated March 13, 1876, in which are described the following cases:

#### FRAUD COMMITTED BY LYDECKER.

1st. A firm of theatrical managers, in New York, in January, 1875, made two entries of stage scenery, stating the value as \$3,000. These were passed free by Mr. Lydecker as "*tools of trade*," in violation of law.



2d. An actress, January 5, 1875, imported silk and velvet dresses which were sent as samples to the appraiser's office, and returned by the appraiser as of the value of \$400, and subject to a duty of 60 per cent. By order of Lydecker, in direct violation of law, these dresses were admitted to entry *free of duty*. A triplicate invoice on file in the custom-house shows that they were purchased goods, and the value given in the invoice is the equivalent of \$575, duty upon which would amount to \$340. \* \* \*

4th. A dressmaker imported three cases of merchandise which were sent by order of said Lydecker directly to her store (falsely described as *public store*) without entry. \* \* \*

It has come to the knowledge of the department that these cases were selected by the special agent as samples of a large number of transactions, extending over more than two years, where the same facilities for fraud had been extended to the same person by the said Lydecker.

Mr. Arthur admits that he did not sometimes reach the office at the hour when by law it is open to public business, but intimates that the time after office hours that he spent at the custom-house was an off-set. His presence after office hours could be of little use to the public. I am advised by persons entirely familiar with the subject, that the time of Mr. Arthur, when at the custom-house, was often

#### OCCUPIED WITH OTHER THAN GOVERNMENT MATTERS.

That it was sometimes difficult for a merchant, who was dissatisfied with the ruling of a subordinate, to obtain a hearing. It is susceptible of proof that he habitually did not arrive there until after noon, and was, therefore, absent during a period when his attendance was necessary to the transaction of public business, and this was especially so after the action of the Senate upon the nomination of his successor.

The watchful care of a collector at a port of such importance as New York over the action of his subordinates in their methods of doing business, is at all times imperatively necessary for the protection of the revenue.

In a case which has come to light since the retirement of Mr. Arthur, it has been shown that goods upon which the duties amounted to \$120,000 were delivered to the parties without payment of any duties to the government, and in a suit to recover these duties, it is claimed by the importers that the unlawful delivery was due to the

#### NEGLIGENCE OR SOMETHING WORSE

on the part of the customs officers under the charge of Mr. Arthur.

\* \* \* \* \*  
It soon became apparent, after January, 1878, from the daily business of the department with the New York custom-house, that anything like harmony or heartiness in the administration of the duties of collector could not be brought about while Mr. Arthur remained in office, and, therefore, after full trial, I recommended his suspension. \* \* \*

The letter of Mr. Arthur, carefully written, with full knowledge of, and access to, all the public records, and his familiarity with them, is controverted by the careful investigation of the Jay Commission, by the testimony submitted herewith, by the reports of the special agents, and by the Meredith Commission, together with my well-considered opinion, based upon the business as it was brought before me officially, and your own personal examination of the different reports submitted to you. \* \*

It will be expected by the public that you see that these officers act in harmony with your policy in correcting all abuses that are developed, and securing all possible reforms, and, if they, in your opinion, fail, that you shall exercise the power given to you by the constitution to secure officers who will do so. \* \* \*

Very respectfully,  
JOHN SHERMAN, Secretary.

## CIVIL SERVICE REFORM.

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For thirteen years the Republican party has discussed the question of reform in the Civil Service. During those years one attempt was made to inaugurate such a reform. It was abandoned after less than two years trial. The term "Civil Service Reform" is now held in undisguised contempt by the Republican party. The agitation for reform in the Civil Service was begun by Hon. Thomas Jenckes, of Rhode Island, in the House of Representatives in 1867. He made a speech in favor of a bill "to regulate the Civil Service of the United States and promote the efficiency thereof." Again in May, 1868, he spoke upon the same subject. At that time the party had made no definite pledges of Civil Service Reform to the country. J. D. Cox, of Ohio, a short time Secretary of the Interior, under Grant, was one of the first Republican martyrs to the cause of civil service reform. In 1870 the clerks in the departments received a circular from the Congressional Committee assessing them one per cent. of their salaries for political purposes. On the third of August, 1870, Mr. Cox received a letter from the Republican Executive Committee requesting a full list of the employees in his department from Ohio with the amount of salaries, &c., for the purpose of making an assessment upon them for state and Congressional campaign purposes. Then as now Ohio politicians were in the front rank of those levying political contributions. Mr. Cox declined to furnish the lists requested. A horde of hungry politicians principally from Ohio and Pennsylvania turned upon him and made his position so unpleasant that he resigned. Grant promptly accepted his resignation.

On March 3d, 1871, a clause attached to the sundry Civil Appropriation Bill was passed, authorizing the President to appoint a commission to prescribe rules and regulations for promoting the efficiency of the civil service. This provision was opposed by the Republican leaders in the Senate, Messrs. Conkling, Cameron, Morton and others. They openly avowed their disbelief in the success of any attempt to reform a civil service which they then pronounced to be the best in the world. The rules recommended by the advisory board were approved and President Grant, April 16, 1872, approved them in an executive order which especially forbade the levying of political assessments on office holders. From that time until the present day the farce has been enacted with unvarying regularity by the Republican party whenever a state or national convention has made a platform. The civil service reform plank has been laid down with such firmness and has remained unused so long that it has finally grown rotten, and the Committee on Resolutions in the recent Convention at Chicago omitted to make any reference to the subject.

### THE FLANAGAN SPEAKS AT CHICAGO.

The omission was noticed by an obscure delegate from Massachusetts, Mr.



Barker, who sent to the Chairman's desk the stereotyped profession of civil service reform. The utter insincerity of the thing, the hollowness of the pretension, was so great that a speech made by an honest delegate from Texas, named Flanagan, was received with great applause. He expressed the sentiment of the Convention in these words :

"We are not here for the purpose of getting offices for the Democracy. What are we here for except to get the offices ?

\* \* \* \* \*

If the Republicans are victors they are entitled to the offices, and those who fought in the cause will get them if justice is done."

This speech, though honest, was indiscreet. It compelled the convention to make Mr. Barker's resolution a part of the platform. Had it not been for Flanagan's speech the Republican party would have finally abandoned at Chicago the false colors under which they have been sailing for so many years.

The letters of acceptance of presidential candidates are generally considered as the real platform of political parties. The promises made by the candidates are of more importance to voters than the code of party principles laid down by the conventions. The latter are declarations of belief. The former are solemn pledges to the country. Does Gen. Garfield promise in the event of his election to reform the civil service of his country ? Let his letter of acceptance speak for him. He says :

#### MACHINE POLITICS.

To select wisely from our vast population those who are best fitted for the many offices to be filled requires an acquaintance far beyond the range of any one man. The Executive should, therefore, seek and receive the information and assistance of those whose knowledge of the communities in which the duties are to be performed best qualifies them to aid in making the wisest choice.'

When Gen. Garfield wrote this paragraph of his letter he must have had before his eyes a speech made by the late Senator Morton, of Indiana, in the Senate, January 4, 1871. Mr. Morton said :

Now, Mr. President, I come to the principle of the bill and insist that it is false in itself. I undertake to say that to say that the greatest security an executive can have, who can know but a very small number of the American people, is the fact that he can rely upon members of Congress, his political friends, for recommendation to office. How so ? Take a member of the House. He is expected to recommend, if he is a political friend of the President, for the local offices in his district. The people understand, and if there is a bad appointment made, if there is a bad postmaster, if a horse thief is appointed postmaster, they hold the member of Congress directly responsible for it. They expect that in the natural course of things he has recommended that man. Therefore it becomes his interest at once to recommend good men for these offices : his re-election depends upon it.

In other words, under the system recommended by Gen. Garfield, Gen. Arthur, Senator Conkling, Senator Cameron, and all the prominent members of the Republican party, the tenure of office of politicians depends upon the manner in which the local offices are given to the underlings who control primaries and manipulate ward conventions.

The Republican party assembled in convention at Cincinnati in 1876 promulgated the principle that, under the constitution, the president and heads of departments are to make appointments ; the Senate is to advise and consent to appointments, and the House is to accuse and prosecute faithless officers. The enforcement of this constitutional principle is impossible when the officers who are to advise and consent to appointments, and to prosecute and judge faithless officers, are allowed to recommend and dictate the appointments. Gen. Garfield promulgates a principle which the Republican party four years ago solemnly repudiated.

#### GENERAL ARTHUR AND CIVIL SERVICE REFORM.

But if it be held that to procure the removal of Mr. Arthur it is sufficient to reasonably establish that gross abuses of administration have continued and increased during his incumbency ; that many persons have been regularly paid on his rolls who rendered little or no service ; that the ex-

penses of his office have increased while collections have been diminishing; that bribes or gratuities in the nature of bribes, have been received by his subordinates in several branches of the custom-house; that efforts to correct these abuses have not met his support, and that he has not given to the duties of his office the requisite diligence and attention, then it is submitted that the case is made out. This form of proof the department is prepared to submit. (Secretary Sherman's letter to R. B. Hayes, January 31, 1879.)

The Republican candidate for Vice-President has been the conspicuous example held up before the eyes of the American people by the present administration as the great violator of civil service reform; the incarnation of all that is corrupt and bad in the organization of the public service. The complete record of Gen. Arthur as an administrative officer is contained in another part of the Text Book. It is, perhaps, unfortunate for the Republican champions of civil service reform that Gen. Arthur has been nominated for the second instead of the first place on the ticket. While his acts have always tended to degrade the civil service, his professions for the future, contained in his letter of acceptance, are much more manly and comprehensive than those of Gen. Garfield.

#### THE HAYES ADMINISTRATION AND REFORM.

When R. B. Hayes was fraudulently declared President of the United States by the partisan eight of the Electoral Commission, he sought to appease in some measure the wounded honor of the country and to allay the popular indignation at the outrage, by promising a reform administration. The corruptions of the Grant administration had disgusted the honest masses and a general demand for reform was heard from the people. It was this desire for reform which elected Tilden and Hendricks by the largest popular majority ever cast for a presidential ticket. Hayes, therefore, sought to gain same popularity or toleration by pledging himself to do what the Democratic candidate had already done in the state of New York.

In his inaugural address Mr. Hayes said :

I ask the attention of the public to the paramount necessity of a reform in our civil service ; a reform not merely as to certain abuses and practices of so called official patronage which have come to have the sanction of usage in the several departments of our government, but a change in the system of appointment itself ; a reform that shall be thorough, radical and complete ; a return to the principles and practices of the founders of the government. They neither expected nor desired from public officers any partisan service. They meant that public officers should owe their whole service to the government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. They held that appointments to office were not to be made nor expected merely as rewards for partisan services, nor merely on the nomination of members of Congress, as being entitled in any respect to the control of such appointments. The fact that both the great political parties of the country, in declaring their principles prior to the election, gave a prominent place to the subject of reform in our civil service, recognizing and strongly urging its necessity in terms almost identical in their specific import with those I have employed, must be accepted as a conclusive argument in behalf of these measures. It must be regarded as the expression of the united voice and will of the whole country upon this subject, and both political parties are virtually pledged to give it their unreserved support.

His failure to fulfill his pledges has disgusted the people fully as much as did the rottenness of Grantism, and the term "civil service reform" has become a by-word and a reproach. The fraudulent President inaugurated his reform policy by issuing the following order :

#### CIVIL SERVICE ORDER NO. 1.

EXECUTIVE MANSION,  
Washington, June 22, 1877.

*Sir:* I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury, on the conduct to be observed by the officers of the general government in relation to the elections :

"No officer shall be required or permitted to take part in the management of political organizations, caucuses, conventions or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessments for political purposes on officers or subordinates should be allowed."

This rule is applicable to every department of the civil service. It should be understood by every officer of the general government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.



## HOW THE ORDER HAS BEEN OBEYED.

The first part of the order that no officer should take part in political management has never been enforced except in the cases of objectionable officials whom the administration wanted to get rid of. For instance, Postmaster Filley, of St. Louis, was removed from office for advising and directing some local primary elections, and at the very same time Secretary Schurz, who insisted upon his removal, was making political speeches in Ohio, and but a short time afterwards Secretary Sherman also went to Ohio and delivered a political speech. After the election in Ohio that year (1878) Mr. Hayes congratulated both Sherman and Schurz upon the effect their speeches had apparently had.

The memorable contest between the administration and Senator Conkling over the removal of Messrs. Cornell and Arthur from the positions of Naval Officer and Collector, respectively, of the port of New York, was another instance of the enforcement of "Civil Service Order No. 1." By purchasing the votes of a number of Republican Senators by Federal patronage, Hayes and John Sherman, after a long struggle, in which they were once signally beaten, obtained the confirmation of their nominees, and Cornell and Arthur were ousted. In 1879, Senator Conkling, as a rebuke to the administration, had Cornell nominated as the Republican candidate for Governor of New York, and the "reform" administration forthwith surrendered. Hayes advised all Republicans in New York to vote for Cornell, and John Sherman and Wm. M. Evarts made speeches in the canvass in behalf of the regular nominees. John Sherman, in the course of these speeches, eulogized the man he had pronounced unfit to hold the position of naval officer and urged the people of the state to make him their governor. The administration raid upon the New York Custom-house in 1877-'78 was simply a move to get the Conkling machine out and the Sherman machine in. Immediately afterwards John Sherman announced himself as a presidential candidate. The revenue and customs officials all over the country were organized and put to work in his interest.

Collector Merritt, the "reformer," who succeeded Arthur, had his assistants and employees formed into bands of Sherman workers, and none dared decline the service. Each man understood that it would cost him his position to refuse to join in the Sherman Boom. Prior to the holding of the New York Republican Convention for the election of delegates to the Chicago Convention, Collector Merritt traveled all over the state in the interest of John Sherman. He packed primaries, promised government patronage, and, in short, did everything he supposed would help the Sherman cause. He made no secret of his mission, and caused himself to be interviewed about the progress of his labors. And yet not a word of reproof or reproach was uttered by the fraudulent administration. His bold and flagrant violation of the civil service order was not rebuked. From the opening of the presidential canvass for the Republican nomination until after the last state convention had chosen its delegates to Chicago, the various treasury officials throughout the country devoted their time chiefly to packing primaries and running local conventions in the interest of John Sherman. Every delegate that Sherman obtained in the Southern states was won for him by the influence of treasury officials. The Grant men protested most vigorously against this interference of government officials and the press called loudly for the enforcement of Civil Service Order No. 1, but Hayes was as dumb as an oyster. Evidence could be accumulated page upon page to prove that Secretary Sherman not only required government employees to work in his interest but that he also bribed delegates to support him with Federal patronage.

## WHAT THE NEW YORK "TIMES" THINKS OF IT.

The New York *Times*, the leading Republican newspaper of the United States, said editorially, in its issue of May 12th, 1880, of Secretary Sherman's methods of electioneering:

Of the delegates to the Mississippi Republican Convention, eight were employees of the Treasury Department, six were postmasters or postal route agents, and one was a United States district attorney. All these were, of course, Sherman men, since to hold a Federal office in the South and support any presidential candidate except the Secretary of the Treasury is to invite removal. They were aided by half a dozen outsiders, also in the employ of an indulgent people, whose money is used to the extent of at least \$35,000 a year to galvanize Mr. Sherman's candidacy in Mississippi. Perhaps the discreet journalists in Ohio and New England who have been so greatly shocked by the suggestion that Mr. Sherman was not entirely without responsibility for the peculiar transactions of brother-in-law Moulton may condescend to explain the tactics by which their immaculate candidate has pushed his candidacy in Mississippi. These are, it is true, merely a repetition of the shameless trickery practiced in North Carolina and Georgia, but as they are, if possible, a little more impudent, they appear to challenge some sort of notice from the alleged reformers who have undertaken the somewhat delicate task of vouching for the statesmanship and political probity of the eminent trimmer from Ohio.

One of the special staff correspondents of the New York *Times*, writing from Jackson, Mississippi, under date of May 7th, 1880, charged that the Republican Convention of that state had been manipulated by Sherman's hirelings, and that the Chairman, Gibbs, declared the Convention adjourned to avoid putting to a vote a resolution indorsing Grant. The correspondent concluded his letters as follows:

It is well to make this statement in order that Mr. Sherman may know just how much his friends bear for his sake. Further for his information, that of the civil service reform administration, and the public, it will not be amiss to give the following list of office-holders who conducted the Secretary's Mississippi canvass. Those marked with a star were delegates to the convention. The others did good work on the outside:

	PAY.
*W. H. Gibbs, Census Supervisor.....	\$500
*James Hill, Collector Internal Revenue.....	2,650
J. J. Spellman, Deputy Collector Internal Revenue.....	1,200
*W. D. Frazee, Deputy Collector Internal Revenue.....	1,000
*W. M. Hancock, Deputy Collector Internal Revenue.....	1,000
*W. H. Noonan, Deputy Collector Internal Revenue.....	1,000
*Frank Hill, Deputy Collector Internal Revenue.....	1,000
*W. H. Foote, Deputy Collector Internal Revenue.....	1,000
*James D. Cesson, Deputy Collector Internal Revenue.....	1,000
*J. P. Matthews, Deputy Collector Internal Revenue.....	1,000
W. C. Ruum, alternate.....	1,000
E. W. Hall, alternate.....	1,400
*J. L. Morphis, United States Marshal.....	2,500 and fees
Thomas W. Hunt, United States Marshal.....	2,500 and fees
*Green C. Chandler, United States District Attorney.....	2,500 and fees
*W. H. Kennon, Postmaster, about.....	\$2,000
*J. L. Wofford, Postmaster.....	2,000
*J. R. Smith, Postmaster.....	2,000
*H. R. Smith, Postmaster.....	2,000
W. G. Henderson, Collector Customs.....	2,500
I. N. Osborn, Deputy Collector Customs.....	1,000
*W. H. Harney, Route Agent, Post Office Department.....	900
*N. D. Sneed, Route Agent, Post Office Department.....	900

In addition to these were a number of messengers and minor "hangers-on."

In order that the public and "the civil service reform administration" may know exactly upon what terms Mr. Sherman is with those of his officers who aid him in his effort to capture the Presidency, it will not be amiss to publish the following letter, which was signed by James Hill, (colored) Revenue Collector, Delegate at Large to Chicago, and Chairman of the State Executive Committee:

JACKSON, Miss., May 6, 1880.

*The Hon. John Sherman, Secretary of the Treasury, Washington City:*

Dear Sir: My friend, Mr. A. H. Kennedy, is one of the most worthy working Republicans in our state, and will do to depend upon on any part of the ground. *He was a delegate from his county, and assisted us largely in your behalf. I think his services have been such as deserve recognition at the hands of the administration.* He and his family are all strong Republicans, and have never held or asked for official position until now, that I am aware of. Any assistance that you may be able to give him, I am sure, will be fully appreciated by him, by the party of the state at large, and by myself. I am, very respectfully, your obedient servant,

JAMES HILL,  
Chairman State Executive Committee.

This letter was sent to Mr. Sherman last night. I have sworn evidence of its authenticity. That portion of it which reads, "He was a delegate from his county, and assisted us largely in your behalf—I think his services have been such as to deserve recognition at the hands of the Administration"—needs no comment. Still, it may, perhaps, be remembered that Mr. Sherman—according to his own solemn statement—knows nothing of, and is in no way affected by, efforts of Federal office-holders, made either for or against his presidential ambition.



This charge against John Sherman was made by the ablest Republican organ in the country, and with its usual fairness the *Times* proceeded to prove its allegation. It cannot be said, in defense of Sherman, that he is the object of Democratic slander. He has been arraigned by his own party, and the better portion of it has found him guilty. That Mr. Hayes connived at Sherman's prostitution of the civil service in the interest of his candidacy cannot be doubted. To say he was ignorant of the flagrant abuse of his civil service order by Sherman would be to pronounce him as stupendous a fool as he has shown himself to be knave.

## POLITICAL ASSESSMENTS.

Having shown what a farce was made out of the first clause of the civil service order relating to the non-interference of government officials in elections, we will now show that the latter clause in relation to assessing government employees for campaign purposes was also ignored. Hayes' persistent pretensions in regard to reform lead some people to believe that he would put a stop to the infamous system of assessing government employees to swell the corruption fund of the Republican party in every canvass. But he has not done anything of the kind. That part of his order relating to assessments has remained as much of a dead letter as the first clause forbidding government officials to take part in political management. The first general election held after Hayes was fraudulently seated was in the year 1878, when members of Congress were elected. In the summer of that year the Republicans organized their Congressional Committee, who in turn appointed a sub-committee, called the Executive Committee, to manage and direct the campaign from Washington. Hon. Eugene Hale, of Maine, was made Chairman of the Executive Committee, and George C. Gorham, then Secretary of the United States Senate, was made Secretary. Mr. Gorham was, in fact, the head of the committee. He managed and directed all its affairs, and nearly the entire work of the campaign was intrusted to him. The Special Committee of the Senate, of which Senator Wallace is Chairman, appointed to inquire into alleged frauds in the elections of 1878, investigated the matter of assessments upon office-holders that year, and from the report of that committee we get the following facts:

Mr. Gorham testified that he, as the executive officer of the Republican Committee, collected, in the fall of 1878, for use in the Congressional campaign, a total of \$106,000, of which sum over \$93,000 was obtained from the government employees in Washington. Mr. Gorham inaugurated his assessment campaign by the issuance of the following circular, which was addressed to government employees:

## CIRCULAR NO. 1

HEADQUARTERS OF THE REPUBLICAN CONGRESSIONAL COMMITTEE, 1878, }  
1319 F STREET, NORTHWEST, WASHINGTON. D. C. }  
Washington, D. C., May 27, 1878.

*Sir:* This committee, charged with laboring for the success of the Republican cause in the coming campaign for the election of members of Congress, call with confidence upon you, as a Republican, for such a contribution in money as you may feel willing to make, hoping that it may not be less than \$15.

The committee deem it proper, in thus appealing to Republicans generally, to inform those who happen to be in Federal employ that there will be no objection in any official quarter to such voluntary contribution.

The importance of the pending struggle cannot easily be exaggerated. That the Senate is to be Democratic after the 4th of March, 1879, is very nearly a certainty. In view of this, the election of a Democratic House of Representatives would precipitate upon the country dangerous agitations, which would inevitably add to present distresses. Foremost among their schemes the opposition already announce their intention to attempt the revolutionary expulsion of the President from his office.

If, by the presentation of three candidates for the Presidency in 1880, the people should fail to choose, the House must elect, each state delegation casting one vote.

From what is now known, and with the growing dissensions in the camp of the enemy, the committee have good reason to enter upon their work with courage.

Please make prompt and favorable response to this letter, and remit at once, by draft or postal money order, to "Sidney F. Austin, Esq., Treasurer, &c., German-American National Bank Washington, D. C.

By order of the Committee.

GEO. C. GORHAM, Secretary.

In about six weeks, such clerks and employees as had not responded to the notification contained in the first circular to call at Captain Gorham's office and settle, were reminded that the Republican party expected and insisted that every man should pay his assessment, by the receipt of circular No. 2, as follows:

#### CIRCULAR NO. 2.

HEADQUARTERS OF THE REPUBLICAN CONGRESSIONAL COMMITTEE, }  
Washington, July 11, 1878. }

*Dear Sir:* Since sending you circular under date of May 27, we have ascertained that the rules of your department render difficult your absence during office hours, and that you are unable to call at the bank where contributions are received. We have, therefore, arranged with the treasurer, Mr. Austin, to attend at the German-American National Bank from 4 to 5 o'clock P. M., to receive contributions from those in your department who have not already responded. If more convenient, the amount can be transmitted by mail to Sidney F. Austin, Treasurer Congressional Republican Committee, as above. Respectfully yours,

GEO. C. GORHAM, Secretary.

There were still delinquents, even after the second circular was sent, and such were once more called upon for their money by the following circular:

#### CIRCULAR NO. 3.

*Mr. ———, Dear Sir:* There appears to be due upon your subscription to our campaign fund the sum of ——— dollars. We have regarded your subscription as a debt of honor, voluntarily incurred by you, and, relying upon its payment, have taken it into the account in the conduct of our work. We earnestly request immediate payment, and Mr. N. B. Fugitt will be in attendance at these headquarters (second floor) daily from 10 o'clock A. M. till 6 o'clock P. M. to receive and receipt for such moneys.

Respectfully,

GEO. C. GORHAM, Secretary.

These circulars, Mr. Gorham said, were sent to Mr. Hayes, and were substantially approved by him. This last circular was without date, but Mr. Gorham testified that it was issued some time in August. Mr. Gorham testified that the rate of assessment—he persisted in calling it "contribution"—fixed upon by the committee was one per cent. of the salary of each government employee. The circulars, as was shown by the testimony of Mr. Gorham and his clerks, did not meet with the responses from the government employees that the Republican committee wanted. From the official Register, or "Blue Book," the names of the various government, employees and the salary of each were obtained. The names of the employees in each department were entered in a book, and opposite each name was written the amount of the assessment demanded by the committee. Then collectors, provided with these books, were sent through the departments with instructions to call upon each employee personally for the sum set opposite his name by the committee. In order to make the authority of the Republican committee to levy these assessments more forcible, the heads of the several departments wrote their names and entered a contribution on the first page of the book intended for use in their departments. For instance, the assessment book used in the treasury contained on the first page the names of John Sherman and his assistant secretaries, with amounts ostensibly contributed opposite each. The poor clerk, upon seeing this, would feel that he dared not defy an authority that had the sanction of his chief, and with trembling hand and unwilling heart would "fork over" the amount demanded by the collector.

#### HOW THE MONEY WAS SQUEEZED OUT OF THE POOR CLERKS.

A few extracts from Mr. George C. Gorham's testimony will show how the machine was worked:

Chairman Wallace: Who was appointed to receive contributions in the Treasury Department?  
A. I would state here, if it has not been stated, that a finance committee of three gentlemen of the



committee was appointed at an early meeting to direct the manner of collecting the money, and that they appointed Mr. Henry Baker (to assess the treasury).

Q. To visit the Treasury Department? A. To visit the Treasury Department and solicit subscriptions—ask the persons who chose to give to go state in a book.

Mr. Gorham, in answer to a question, said he had the book, and would turn it over to the committee, which he subsequently did. When the assessment books were examined, it was shown that the clerks had not voluntarily entered their names and subscriptions in them, but that they were entered from the official register, and then the clerks were called upon for the amounts they were assessed. But let Mr. Gorham continue his story to the committee:

By the Chairman: Q. Was a man named Fugitt employed or authorized? A. Yes, sir.

Q. What was his first name? A. It was N. B. He was clerk of my committee; Baker was not; and when I was left in charge I called upon him generally.

Q. What one of the departments did Mr. Fugitt visit? A. I think Mr. Fugitt visited the Post-Office Department, I think the Agricultural Department, and I think the Sixth Auditor's Office of the Treasury. Baker, I think, did not visit that, and Fugitt did; but I am not sure. He may have gone to other places in the city. He was generally the man I relied on to go. I think I sent him up to the Navy Department.

Q. Were Mr. Baker's visits soliciting contributions at the treasury interfered with by the rules of the department, do you know? A. I never heard anything on that subject.

Q. Was this circular sent to the navy yards and post-offices of the country generally? A. If it was not sent to every civil officer who received over \$1,000 a year, some of the clerks neglected their duties, because that was my instruction.

Q. Your instruction was to send it to all the Federal employees receiving over \$1,000? A. It was.

Q. To all the employees of the government? A. That was my object; to have it reach every man who was in office?

Q. Were the responses to the leading circular (circular No. 1 I shall call it) from the collectors of customs and postmasters, and so on, in the leading cities in the country, in the form of subscriptions? A. Very generally; more so than ever in the history of the party, I have been told. Fifty per cent. more in number contributed, probably, than did in 1876. I mean by that to say that in 1876 the request was for two per cent., and in 1878 the request was for one per cent., and although we only asked for half as much, we got three-quarters as much.

Q. Do you know of any case in any of the departments in Washington in which men who failed to respond to your circular were dismissed within thirty days? A. Do I know of my knowledge?

Q. Yes, sir? A. I do not.

Q. Have you heard of any such case? A. I have heard of a single man who was removed from a department, and that man did not subscribe; but whether that had any connection with his removal I do not know, and nobody connected with our committee promoted any report about it or any change.

Q. What was the politics of that man? A. He said he was a Democrat.

Being asked if his committee called upon national banks for money for the campaign of 1878, Mr. Gorham replied that Mr. Eugene Hale, chairman of the committee, visited New York City and raised \$13,000, and he presumed some of it came from national banks.

#### POLITICAL ASSESSMENTS IN AN OFF YEAR BRING IN \$106,000.

In the following answers Mr. Gorham explains where the Republican party gets its sinews of war. He has already shown how the assessment plan is worked. Now, let him tell who it is that, somehow or another, feels constrained to make these contributions:

By Mr. Bailey: Q. I understand that altogether the subscriptions to your fund amounted to about \$106,000? A. Yes, sir; as near as I can get at it.

Q. Of which \$93,000 came from the officers? A. From Senators, Representatives and others.

Q. How much of that came from Senators and Representatives? A. I cannot state it now; I think that their subscription was pretty general; there were, as we know, thirty-nine Republican Senators, and they gave, as a general rule, \$100 a-piece. There may have been some exceptions; I do not remember; the Republican members of the House gave us \$50 a-piece.

Q. All of them, or only a portion? A. The great body of them; the intention of all was to do it; there may have been a case here and there where it was not convenient.

Q. All the remainder of the \$93,000 came from those in the civil service of the government? A. Yes, I think so.

Q. And from all the Republican party outside of those who were employed you received but \$13,000? A. That is all; I am sorry to say that was all we got from them.

Q. Then your treasury—I mean the treasury of the committee—was recruited chiefly from the employees of the government? A. It would appear so from my last answer.

Q. And they bore the expenses of the Republican campaign chiefly, with the exception you have named? A. That would be the inference from the last question and answer.

#### THEY FARMED OUT SOME OF THE BEST LOTS.

Mr. Gorham further testified that in various states the state committees were al-

lowed to assess the Federal office holders, and that the money thus raised was in addition to the \$106,000 collected by the Executive Committee at Washington. According to Mr. Gorham's showing, the money raised by assessing government clerks was used to pay for printing and sending out documents, to pay speakers, etc., and to aid generally in the election of Republican Congressmen in close districts. The amounts sent out to the different states for use in close districts were distributed as follows :

Maine, \$5,000; New Hampshire, \$1,750; Vermont, 3d district, \$500; Connecticut, 3d district, \$1,000, New Jersey, 1st district, \$1,500; 2d district, \$500; 5th district, \$500; Pennsylvania, 17th district, \$1,500; Maryland, 6th district, \$1,250; West Virginia, 2d district, \$350; 3d district, \$500; Virginia, 2d district, \$1,000; 4th district, \$1,300; North Carolina, three districts, \$1,300; South Carolina, 1st district, \$1,000; 5th district, \$600; state at large, \$200; Florida, 1st district, \$500; 2d district, \$1,000; Alabama, 4th district, \$500; Tennessee, 1st district, \$500; 2d district, \$500; Missouri, 2d district, \$500; 3d district \$500; 7th district, \$100; 10th district, \$1,000; Ohio, to nine districts, \$9,300; Indiana, to state central committee, with recommendation that it be distributed as follows: 1st district, \$2,000; 4th district, \$1,000; 6th district, \$1,000; 8th district, \$500; 10th district, \$500; cannot say whether or not the distribution was made as recommended; Illinois, 18th district, \$250; Michigan, \$5,000; Iowa, \$5,000; Wisconsin, \$1,500; Oregon, \$2,000; Colorado, \$1,000. Total, \$53,900.

The fraudulent administration, as proven by the testimony of Gorham and his assistants, consented to a few other little irregularities, such, for instance, as the detailing of men who were employed and paid by the government to do campaign work for the Republican party, thus robbing the people of service they were paying for.

#### THE PERSONAL ACCOUNT OF R. B. HAYES WITH THE CIVIL SERVICE.

They (the founders of the government) held that appointments to office were not to be made or expected merely as awards for partisan services.

The above was Mr. Hayes' language in his inaugural address. This was the principle laid down by the *de facto* President as the rule by which he should be guided in making appointments. While the words above quoted were upon his lips he had made promises which involved their violation in letter and in spirit. Placed in the White House by a conspiracy against free government, the conspirators demanded of the beneficiary of their plots payment in lucrative offices. The ready compliance of Hayes with their demands was the most convincing proof of his knowledge of the awful crime of 1876. Convicted perjurers and thieves filled the corridors of the executive mansion and jostled innocent citizens of the Republic in the reception and anterooms. The rogues who made false returns and stole the electoral votes of three states swaggered about the barrooms of Washington boasting of their villanies and savagely cursing Hayes for his tardiness in settling the score.

#### WHAT A FRAUDULENT PRESIDENT COST THE PEOPLE.

Hardly had the printers' ink dried on the newspapers which printed the inaugural address than the work of rewarding crime was begun by Mr. Hayes. How well he succeeded the following table will show.



Names.	Political Employment in 1876.	Office.	Salary.
<b>Members of Returning Boards:</b>			
J. Madison Wells.....	President Returning Board.....	Surveyor of Port of New Orleans.....	\$3,500
Thomas C. Anderson.....	Member Returning Board.....	Deputy Collector Port of New Orleans.....	3,000
L. M. Kenner.....	Member Returning Board.....	Deputy Naval Officer.....	2,500
G. Casenave.....	Member Returning Board.....	Brother United States Storekeeper, New Orleans.....	1,400
Charles S. Abell.....	Secretary Returning Board.....	Inspector Custom-House.....	2,500
York A. Woodward.....	Clerk Returning Board.....	Clerk Custom-House.....	1,800
W. M. Green.....	Clerk Returning Board.....	Clerk Custom-House.....	1,095
B. P. Blanchard.....	Clerk Returning Board.....	Clerk Custom-House.....	1,400
G. P. Davis.....	Clerk Returning Board.....	Clerk Custom-House.....	1,200
Charles Hill.....	Clerk Returning Board.....	Clerk Custom-House.....	1,400
George Grindley.....	Clerk Returning Board.....	Clerk Custom-House.....	1,600
John Ray.....	Counsel for Returning Board.....	Special Agent Treasury Department and Counsel for Mr. Sherman.....	2,500
S. S. Wells.....	Son of J. Madison Wells.....	Inspector, Custom-House.....	1,095
A. C. Wells.....	Son of J. Madison Wells.....	Special Deputy Surveyor, New Orleans.....	2,500
R. M. J. Kenner.....	Brother of Returning-Board Kenner.....	Clerk, Naval Office.....	600
Total.....	.....	.....	\$38,090
<b>State Officers and Managers:</b>			
Michael Hahn.....	State Register.....	Superintendent Mint.....	\$4,000
A. J. Dumont.....	Chairman Republican State Committee.....	Inspector, Custom-House.....	3,000
J. P. McArdle.....	Clerk Republican State Committee.....	Clerk, Custom-House.....	1,200
L. J. Souer.....	Agent to control Legislature.....	Appraiser, Custom-House.....	3,000
S. P. Packard.....	Candidate for Governor.....	Consul to Liverpool.....	6,000
James Lewis.....	Police Commissioner, New Orleans.....	Naval Officer.....	5,000
Jack Wharton.....	Adjutant-General of Louisiana.....	United States Marshal.....	6,000
A. S. Badger.....	General of State Militia.....	Postmaster, New Orleans, \$3,500; now Collector.....	7,000
H. S. Campbell.....	Chief of Affidavit Factory.....	United States Attorney, Wyoming.....	5,000
H. Conquest Clark.....	Knew of Forgery of Electoral Certificates.....	Private Secretary to Commissioner of Internal Revenue.....	2,500
W. F. Loan.....	Chief of Police and Supervisor 15th Ward, New Orleans.....	Inspector Tobacco, Internal Revenue.....	1,400
W. L. McMillan.....	Canvassed State for Hayes.....	Pension Agent, New Orleans; now Postmaster.....	4,000
Total.....	.....	.....	\$47,100
<b>Electors:</b>			
Peter Joseph.....	Electors.....	Clerk, Custom-House.....	\$1,200
L. A. Sheldon.....	Electors at Large.....	Counsel for John Sherman.....	1,200
Morris Marks.....	Electors at Large.....	Collector Internal Revenue.....	3,750
A. B. Levisce.....	Electors at Large.....	Special Agent Treasury Department.....	2,500
O. H. Brewster.....	Electors at Large.....	Surveyor-General.....	1,800
Total.....	.....	.....	\$11,050

Supervisors and persons connected with the elections:			
M. J. Grady.....	Supervisor at Ouachita.....	Deputy Collector of Internal Revenue.....	\$1,400
W. R. Hardy.....	District Attorney at Ouachita.....	Inspector of Custom-House.....	1,095
Henry Smith.....	Sheriff of East Feliciana.....	Laborer, Custom-House.....	600
Samuel Chapman.....	Sheriff of East Feliciana.....	Laborer, Custom-House.....	600
C. L. Ferguson.....	Supervisor of De Soto.....	Captain Night Watch, Custom-House.....	800
J. E. Scott.....	Supervisor of Claiborne.....	Money Order, Post-Office, New Orleans.....	1,300
B. W. Woodruff.....	Supervisor of Rapides.....	Box Clerk, Post-Office, New Orleans.....	900
L. F. Bangor.....	Supervisor of East Baton Rouge.....	Laborer, Custom-House.....	600
W. H. McVey.....	Supervisor of Franklin.....	Inspector, Custom-House.....	1,095
L. Williams.....	Supervisor of 16th Ward, New Orleans.....	Watchman, Custom-House.....	800
E. K. Russ.....	Supervisor of Natchitoches.....	Letter Carrier, Post-Office.....	720
F. A. Deslonde.....	Supervisor of Iberville.....	Night Watchman, Custom-House.....	800
W. H. Heistand.....	Supervisor of Tangipahoa.....	Clerk, Custom-House.....	1,200
F. A. Clover.....	Supervisor of East Baton Rouge.....	Assistant Weigher, Custom-House.....	1,200
L. C. Lasage.....	Clerk to Supervisor East Baton Rouge.....	Inspector, Custom-House.....	1,000
William McKenna.....	Supervisor of Caddo.....	Postmaster, Shreveport.....	3,100
A. D. Cornog.....	Supervisor of Red River.....	Inspector, Custom-House.....	1,095
M. A. Lenet.....	Supervisor of La Fourche.....	Laborer, Custom-House.....	500
A. J. Brim.....	Republican Manager of 2d Ward, New Orleans.....	Inspector, Custom-House.....	1,000
Patrick Creagh.....	Republican Manager of 3d Ward, New Orleans.....	Chief Laborer.....	1,000
R. C. Howard.....	Republican Manager of 4th Ward, New Orleans.....	Laborer, Custom-House.....	600
J. C. Pencilier.....	Republican Manager of 5th Ward, New Orleans.....	Laborer, Custom-House.....	600
W. J. Moore.....	Republican Manager of 7th Ward, New Orleans.....	Gauger, Internal Revenue.....	Fees.
Thomas Leon.....	Republican Manager of 8th Ward, New Orleans.....	Gauger, Custom-House.....	Fees.
T. H. Bowman.....	Republican Manager of 10th Ward, New Orleans.....	Night Inspector, Custom-House.....	900
A. W. Kempton.....	Commissioner of 11th Ward, New Orleans.....	Assistant Weigher, Custom-House.....	1,200
Nap Underwood.....	Supervisor of 12th Ward, New Orleans.....	Inspector, Internal Revenue.....	1,200
P. J. Maloney.....	Supervisor of 14th Ward, New Orleans.....	Inspector, Custom-House.....	1,095
L. E. Salles.....	Republican Manager of La Fayette.....	Weigher, Custom-House.....	2,000
R. A. Herbert.....	Republican Manager of Iberville.....	Superintendent Warehouses, Custom-House.....	2,500
W. B. Dickey.....	Republican Manager and Tax Collector, Madison.....	Inspector, Custom-House.....	1,095
Thomas Jenks.....	Husband of Mrs. Jenks, who swore for John Sherman.....	Clerk, Mint.....	1,000
Total.....			\$32,095



## CIVIL SERVICE REFORM.

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Names.	Political Employment in 1876.	Office.	Salary.
Visiting statesmen:			
John Sherman.....	Visiting Statesman, Louisiana.	Secretary of the Treasury.....	\$8,000
John M. Harlan.....	Visiting Statesman, Louisiana.	Justice Supreme Court.....	10,000
Eugene Hale.....	Visiting Statesman, Louisiana.	Offered Postmaster-Generalship.....	17,500
E. W. Sroughton.....	Visiting Statesman, Louisiana.	Minister to Russia.....	12,000
John A. Kasson.....	Visiting Statesman, Louisiana.	Minister to Austria.....	2,000
J. R. Hawley.....	Visiting Statesman, Louisiana.	Commissioner to Paris Exposition.....	5,000
John Coburn.....	Visiting Statesman, Louisiana.	Commissioner to Hot Springs.....	17,500
E. F. Noyes.....	Visiting Statesman, Louisiana.	Minister to France.....	2,600
Lew Wallace.....	Visiting Statesman, Louisiana.	Governor of New Mexico.....	
Total.....			\$74,600
Florida:			
M. L. Stearns.....	Governor.....	Commissioner to Hot Springs.....	\$5,000
F. C. Humphries.....	Elector.....	Collector, Pensacola.....	2,000
S. B. McLin.....	Member of Returning Board.....	Associate Justice, New Mexico (not confirmed)	3,000
Moses J. Taylor.....	Clerk Circuit Court, Jefferson County.....	Clerk United States Land Office.....	1,300
Joseph Bowles.....	Inspector, Leon County.....	Clerk Treasury Department.....	720
W. K. Cessna.....	Judge, Alachua.....	Postmaster.....	2,500
R. H. Black.....	Inspector of Elections, Alachua County.....	Philadelphia Custom-House.....	190
Geo. H. De Leon.....	Secretary to Governor Stearns.....	Clerk in Treasury Department.....	1,200
John Varnum.....	Adjutant-General.....	Receiver, Land Office.....	
James Bell.....	Changed tickets, Jefferson County.....	Timber Agent.....	500 and fees.
Manuel Govan.....	Republican Manager, Monroe.....	Consul of Spezzia.....	1,200
Phelps.....	Political Manager.....	Secretary to McCormick at Paris Exposition.....	2,500
E. W. Maxwell.....	Detective in employ of Republican visiting Statesmen.....	Lieutenant in Regular Army.....	1,400
P. G. Mills.....	Telegrapher, who gave news about Democratic dispatches.....	Treasury Department. (Sister in Treasury; dismissed when he said he considered Tilden elected.)	1,200
Dennis Eagan.....	Chairman Republican State Committee.....	Collector Internal Revenue.....	2,875
L. G. Dennis.....	Republican Manager of Alachua.....	Treasury Department. (Removed and published affidavit.)	
H. W. Howell.....	Manager False Returns from Baker.....	Collector for Fernandina.....	1,500
The following officers of the Government were in Florida, drawing their regular salaries, looking after the canvass during the presidential canvass, to wit:			
Thomas J. Brady.....	Peyton.....	Second Assistant Postmaster-General.....	\$3,500
H. Clay Hopkins.....	William T. Henderson.....	Assistant in Attorney-General's Office.....	1,500
Z. L. Tidball.....	B. H. Camp.....	Special Agent, Post-Office Department.....	1,200
		Special Agent, Post-Office Department.....	1,600
		Special Agent, Post-Office Department.....	1,600
Total.....			11,000
Grand aggregate of annual salaries paid to the men who counted Hayes in.....			\$242,170
For four years, the length of his stolen term, the grand total would be.....			\$969,080

This record of beneficiaries was prepared over a year ago. It is impossible to ascertain from the pay rolls of the government what additions have been made to this black list since. The name of one member of the Louisiana Returning Board is conspicuous because of its absence from this list. Civil service reform was not vindicated, however, because G. Cassanave did not receive an office. The sum of \$1,750, paid to Cassanave in August, 1879, by R. B. Hayes and John Sherman as the price of his silence and for services rendered, is not included in the total annual roll of \$242,170.

#### THE CASE OF CASSANAVE.

The expenses of the defense of the Louisiana Returning Board, indicted in the Circuit Court at New Orleans for perjury and fraud, were \$5,000. As the other members of the board were insolvent, Cassanave's property was levied upon to meet the judgment rendered for the \$5,000 fee. On August 7, 1879, Cassanave wrote to Mr. Hayes as follows :

If my property is sacrificed under that judgment it will render me bankrupt. I am a poor man and unable to sustain such a loss. I have always assumed a full share of the responsibility attaching to the official acts of the returning board, although I have never enjoyed any of the fruits resulting from its findings; and in this connection I respectfully remind you that I hold no office under your administration, and have derived no pecuniary benefits whatever therefrom; but, on the contrary, I have sustained considerable loss in my business on account of my identity with the board. Messrs. Anderson, Wells and Kenner, the other three members, and their numerous family connections, are enjoying lucrative positions in the employ of the government.

\* \* \* \* \*

I called upon Mr. Sherman yesterday and he proffered me a contribution of \$100, as the only relief he could offer me, which I was compelled to decline out of respect for the great finance minister of our government.

Cassanave wrote this letter in Washington. Before sending it he had called at the White House and had been refused the assistance he demanded. He was more successful in his epistolary efforts, and a few hours after the letter had been received at the White House \$500 was sent to New Orleans to be paid on the judgment. The following telegraphic correspondence between Shellabarger & Wilson, Hayes' attorneys, and E. North Cullom, of New Orleans, who held the judgment, explains the conclusion of the case:

#### DAMNING CORRESPONDENCE.

WASHINGTON, D. C., August 13, 1879.

E. NORTH CULLOM, New Orleans, La.:

Should we send \$1,000 more on returning board judgment will you give reasonable time for balance?

SHELLABARGER & WILSON.

To this dispatch came the following reply:

NEW ORLEANS, August 13, 1879.

MESSRS. SHELLABARGER & WILSON, Washington, D. C.:

If you send me \$250 more, making a total of \$1,750, and Cassanave will give security not to dispose of his property, I will wait till January 1.

E. NORTH CULLOM.

On August 15 Shellabarger gave Cassanave the following dispatch and directed him to sign and send it:

WASHINGTON, D. C., August 15, 1879.

E. NORTH CULLOM, New Orleans :

Will cause \$1,000 to be mailed to-day, provided you stop sale and wait until January 1st for balance. Answer immediately.

G. CASSANAVE.

Cullom replied as follows :

NEW ORLEANS, August 15th, 1879.

G. CASSANAVE, Washington, D. C.:

I will not. Sale goes on.

E. NORTH CULLOM.

Cassanave carried the reply to Shellabarger, who indorsed upon it the following :

TO SECRETARY SHERMAN :

I telegraphed that I would send \$1,000 to-day if sale would stop and the plaintiff wait for the balance till January, and this is the answer. What shall I do with the \$1,000 ?



The \$1,000 had been previously sent by R. B. Hayes to Shellabarger to help Cassanave out. Sherman wrote in reply to Shellabarger "YOU MAY OFFER THE \$1,250."

This sum together with the \$500 previously sent made up the amount which Cullom demanded and the sale was stopped. Senator West in commenting on this transaction in the Senate said :

Why the President and Secretary of the Treasury changed their determination, and what relation existed between the work of the returning board and the payment by them of \$1,750 I leave to the candid judgment of honest men.

#### THE CLOSE OF THE FARCE.

During the past three and one-half years of trickery, deceit and hypocrisy the fraudulent administration has striven to hide its rank offenses against decency and pure government by a cloak of smooth words, voluble excuses and pretentious palaver. In the present campaign, the mask will be thrown off entirely. Every department of the government will be utilized to assist in the election of the Republican ticket. The standing army of 100,000 federal office holders will be marched into the field and forced to contribute liberally. A refusal to pay promptly means dismissal. Already the heads of a score of department clerks, who had the bravery to openly declare their preference for Hancock have fallen. Free speech is denied the servants of the people. Democrats in the departments are given the alternative of subscribing to the Republican campaign fund or losing their places. The following circular has been mailed to all the government clerks :

#### CIVIL SERVICE ORDER NO. 1, ACCORDING TO M'PHERSON.

HEADQUARTERS OF THE REPUBLICAN CONGRESSIONAL COMMITTEE, 1880. }  
1,311 F st., N.W., Washington, D. C }

Jay A. Hubbell, Chairman.

Edwd. McPherson, Secretary.

EXECUTIVE COMMITTEE : The Hon. William B. Allison, the Hon. E. H. Rollins, the Hon. Frank Hiseock, the Hon. Mark H. Dunnell, the Hon. Godlove S. Orth, the Hon. Wm. McKinley, the Hon. Joseph Jorgensen, the Hon. G. R. Davis, the Hon. H. G. Fisher.

WASHINGTON, D. C., April 19, 1880.

Sir : This committee is organized for the protection of the interests of the Republican party in each of the congressional districts of the Union. In order that it may prepare, print and circulate suitable documents illustrating the issues which distinguish the Republican party from every other, and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose interests or principles are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution, which it is hoped may not be less than \$——. The committee is authorized to state that such voluntary contributions from persons employed in the service of the United States, will not be objected to in any official quarter.

The labors of this committee will affect the result of the presidential as well as the congressional struggle ; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the government.

Please make prompt and favorable response to this letter by bank check or draft or postal money order, payable to the order of George Frs. Dawson, Treasurer, post-office, lock box 723, Washington, D.C. By order of the Committee, EDWARD McPHERSON, Secretary.

Collections were begun on the 1st of July in the Treasury Department. When clerks refuse voluntarily to pay the assessment, the disbursing officer deducts the two per cent. from their salaries.

#### ASSESSMENT ON DISTRICT OF COLUMBIA CLERKS.

In the general raid upon office holders, the clerks employed in the government of the District of Columbia have not been forgotten. The following circular has been addressed to them :

REPUBLICAN CENTRAL COMMITTEE FOR THE DISTRICT OF COLUMBIA. }  
Washington, D.C., July 16, 1880. }

Sir : This committee, composed of three members from each of the twenty-two legislative districts in the District of Columbia, is organized for the protection of the interests of the Republican party ; to aid the Republican cause in the Congressional districts in contiguous States ; to provide for the transportation of voters ; to circulate suitable documents illustrating the issues which distinguish the Republican party from every other, and to do such other campaign work as may be assigned it by the National Republican committee.

The committee feels authorized to apply to all citizens whose interests or principles are involved in the struggle. Under the circumstances in which the district finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its funds a contribution, which it is hoped, may not be less than \$——. The committee is authorized to state that such voluntary contribution from persons employed by the District of Columbia will not be objected to in any official quarter.

It has been decided to hold a mass meeting of the Republicans of the District of Columbia at an early date to ratify the nominations of the Chicago convention. The importance of our position at the national capital renders it necessary that every effort be made to insure entire success.

Please make prompt and favorable response to this letter by check payable to the order of W. B. Reed, Chairman Finance Committee, P.O. box 594, Washington, D.C., or in person, to any member of the Finance Committee.

J. M. GREGORY, Secretary

The fraudulent administration has been false to every promise of reform it has ever made. Its shallow hypocrisy in this regard has made the very name of reform a reproach. Civil service reform has grown to be a synonym, in ironical language, for all that is hollow and deceitful, disgusting and false in government. The crowning sham to the sham is the spectacle of the cabinet led by Carl Schurz stumping the country for Garfield and Arthur.





## THE GREAT FRAUD OF 1876.

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When the polls closed Tuesday evening, November 6, 1876, Samuel J. Tilden and Thomas A. Hendricks were by the ballots in the boxes elected President and Vice-President of the United States. By a popular majority of more than a quarter of a million of all the votes cast the Tilden and Hendricks electors, to the number of 196, were beyond a possibility of doubt elected.

By midnight, November 6, 1876, the fact of the election of Tilden and Hendricks was known at the rooms of the National Republican Committee, in the Fifth Avenue Hotel. There were present there Zach. Chandler, chairman of the committee, R. C. McCormick, secretary, George F. Edmunds, Senator from Vermont, W. E. Chandler, member of the committee for New Hampshire, Chester A. Arthur, collector of the port of New York, Alonzo B. Cornell, naval officer of that port, and divers other more or less important Republican politicians. There was a consultation. The news received from Louisiana left no shadow of doubt that the Democrats had carried that State by a clear majority of from 6,000 to 10,000 votes. That elected Tilden and Hendricks. The probabilities were that Florida and South Carolina had been likewise carried by the Democrats. It was absolutely certain that, excluding Florida, Louisiana and South Carolina, 184 Tilden and Hendricks electors had been elected. To make a majority of the electoral votes for Hayes and Wheeler the Republicans must have the votes of Florida, Louisiana and South Carolina. This was the task the Republican conspirators in the Fifth Avenue Hotel set themselves to accomplish at midnight, November 6, 1876.

To be successful they must have the countenance and assistance of the President of the United States, Ulysses S. Grant. Time was precious. There must be instant and safe communication with him. He was known to be in Philadelphia, accompanied by Don. Cameron, Secretary of War. There was no train to Philadelphia till four o'clock the next morning. A messenger by that train could not reach and communicate with Grant before seven o'clock. That might be too late. It would not do to use the wires of the Western Union or Atlantic and Pacific Telegraph Companies, for a tell-tale record would be left behind. It was suggested by some one of the conspirators, having knowledge of the fact, that Jay Gould had a private wire connecting his house and Philadelphia. This intelligence was a ray of hope to the desponding and well-nigh hopeless conspirators. To Jay Gould's house, after midnight, the chiefs hastened. It is certain that Chandler, Edmunds, Cornell, and Arthur, were of the number. They roused Jay Gould from his slumbers, stated the object of their visit at that unseemly hour, and were admitted. Then their confidential telegrapher began the work of finding Grant and Cameron in Philadelphia. It was not an easy job. Neither Grant nor Cameron was at his accustomed haunts. Messengers scoured Phila-



delphia for them. After much delay, to the inexpressible relief of the conspirators in Jay Gould's private office, the confidential operator announced that Grant and Cameron had been found, and in a few minutes would be at the other end of the wire. The ticker presently ticked off "all ready," and then began in the small hours of the morning of November 7, 1876, the communications between Zach Chandler, at Jay Gould's house in New York, and Grant in Philadelphia, which laid the foundation for the Great Fraud of 1876.

Chandler briefly informed Grant of the situation. The Democratic 184 electoral votes certain without Florida, Louisiana and South Carolina. It was very evident that the ballots in the boxes gave them Louisiana by a large majority and that Florida and South Carolina were probably the same way. With either one of these three states, Tilden and Hendricks would be elected, without all three of them Hayes and Wheeler could not be counted in. It was necessary, to accomplish this, to have not only the countenance, but the active assistance, of the Federal government. There must be troops sent to Florida, and the Federal force in Louisiana must be increased. To every demand Grant responded "it shall be done." The orders for the disposition of the troops were given by Cameron, who left Philadelphia on the first train for Washington. The next day—the very day after this colloquy and conspiring to defeat the will of the people—came Grant's hypocritical telegram from Philadelphia declaring his purpose to see a fair count and saying that no man worthy to hold the high office of President could accept it if it was obtained by unworthy means.

Meanwhile to Florida, Louisiana and South Carolina and everywhere went the false, but encouraging telegrams of Zach Chandler, "Hayes has received 185 electoral votes and is elected." Swift messengers left New York on the first trains Nov. 7th for Tallahassee, Columbia and New Orleans. The shrewd and wily William E. Chandler went to Florida prepared for every emergency, and equally reliable and unscrupulous men were dispatched to Louisiana and South Carolina. The uncontradicted testimony of men who were familiar with the situation in New Orleans and with the hopes and fears of the desperate carpet-bag politicians was taken. This establishes the fact that they were hopeless during the first twenty-four hours after the election. Then came the reassuring telegrams of Zach Chandler, and as fast as steam could bear them on express trains came also the visiting statesmen. John Sherman and James A. Garfield with others went to New Orleans. Noyes, now Minister to France, and others to Florida, while the Chief Justice of the courts of the District of Columbia headed the delegation to South Carolina. The Second Assistant Postmaster-General, accompanied by a retinue of detectives, special agents of that department, went to Florida, and the Secret Service force of the Treasury Department was scattered through South Carolina and Louisiana to serve the purposes of the conspirators. The complete history of the work that was done in those states to accomplish the monstrous conspiracy, the double-dyed villainy of the visiting statesmen, the perjuries they were privy to, the forgeries they countenanced, will never be fully told. Enough, however, has been imperishably recorded to make all who were concerned therein eternally infamous.

The most complete as well as the most succinct account of the frauds by which the electoral votes of Florida and Louisiana were stolen from Tilden and Hendricks will be found in the Potter Report, made to the House of Representatives at the third session of the Forty-third Congress, which we here append in full.

## ELECTORAL FRAUDS IN THE LATE PRESIDENTIAL ELECTION.

Mr. Potter, from the select committee on alleged electoral frauds in the late presidential election, submitted the following:

The committee appointed by the resolution of the House "to inquire into the alleged fraudulent canvass and return of votes at the last presidential election in the states of Louisiana and Florida," and who, by a subsequent resolution of the House, were authorized "to investigate frauds touching that election in any state where they had probable cause to believe the same existed," respectfully report:

That they proceeded at once to the discharge of the duty imposed upon them. They have examined over two hundred witnesses, and taken about 3,000 closely-printed pages of testimony.

### INVESTIGATION CONFINED TO FLORIDA AND LOUISIANA.

No application having been made to them, either by any member of the committee or of the House, or from any other quarter, to consider any matter connected with that election in any other state, they have confined their inquiries to the said states of Florida and Louisiana.

### WHAT CONGRESS SHOULD INVESTIGATE.

The Constitution provides that each state shall direct the manner in which its electors are to be appointed. Their appointment is therefore conducted under state law and determined by state officers.

Wrongs in connection with state elections are not novelties. The stuffing and destruction of ballots and alteration of figures have heretofore occurred, and it is within the power of the states in which such frauds occur to punish them. Such cases do not require investigation by Congress, because as to none of them has it any power to remedy or punish the wrongs committed. But frauds in the appointment of electors directly affect the choice of a President, and therefore demand investigation by the Congress.

### FRAUDS IN QUESTION UNPRECEDENTED.

The frauds alleged in connection with the appointment of electors in Florida and Louisiana in 1876 were entirely unprecedented.

For the first time in the history of the government electoral votes, challenged as fraudulent and false, were nevertheless received and counted, and did in fact change the result of the election.

In Florida the board of state canvassers usurped discretionary powers and reversed the result of the votes cast. They did this in the presence of certain visiting statesmen sent there by the President of the United States, and surrounded by Federal troops (McLin—Fla., 144-5).

That state, by every department of its government—legislative, executive and judicial—thereupon protested against this action of the state canvassers, and declared that the persons thus certificated were not its electors, and did not represent the state. Nevertheless, it was decided by the Electoral Commission that during the few hours those men pretended to be in office they did represent the state of Florida and did exercise its discretion. The President of the United States holds his place by virtue of their action (Electoral Count, 1, 2-24).

Such action may be repeated in any state at any Presidential election, and if the Congress cannot prevent this altogether, it is at least within their power to adopt measures that will afford the state in which it may occur an opportunity to annul the fraudulent action so taken, and recall the pretended vote so cast through usurpation, before the same is finally received and counted as her genuine vote.

On the other hand, the election in Louisiana was determined by a partisan returning board, exercising discretionary revisory power over the votes cast. This power was unauthorized, but even if authorized, the board flagrantly and outrageously abused it. They were supported in its exercise by visiting statesmen, sent also by the President to Louisiana. They were surrounded, while engaged in it, by Federal troops (Post, 20-1; Post, 28-29).

Here, then, was disclosed a new danger. A discretionary power over the result of an election in a state by one of the parties, to be exercised with the aid of external influence and patronage, and with the protection of Federal troops, is, of all conceivable things, the greatest mockery in the way of an election and the greatest danger to free government.

It became, therefore, the duty of Congress to inquire into these frauds in order to correct them when within its power, and when not, to recommend to the state legislation to that end.

To refrain from inquiry into gross wrongs is to invite their repetition.

### CONDUCT OF THE INVESTIGATION.

In conducting this investigation, the committee have not been unmindful of its difficulty and importance, and have endeavored to conduct it with absolute and judicial fairness.



Since it was unavoidable in an investigation of this magnitude that much secondary testimony should be received, some of which might thus unjustly involve the fair fame of individuals, we thought it proper that the Republican members of the committee should decide whether the sessions of the committee should be private or open; and on their determination at last that the session of the committee should be open, it was so ordered.

We have called every witness that was required by the minority of the committee in respect of questions at issue; and as to any other matters, we have endeavored to adapt our conduct to their wishes.

Generally we have desired that every opportunity consistent with our means of ascertaining the truth should be afforded to all concerned; and we are glad to know that in this respect there is no difference in the committee, and that the majority and minority are alike agreed that every proper facility has been afforded by each to the other. No complaint, in respect of the conduct of the committee, has been expressed by any member of it.

#### DIFFICULTIES OF SUCH AN INVESTIGATION.

An investigation into the conduct of a party in power, conducted by a committee set on foot by the opposition, is necessarily subject to great difficulties and embarrassment.

The power of such a committee to elicit truth is limited to the willingness of witnesses to speak it; for when witnesses choose to withhold or pervert the truth they can do so without fear of punishment, since punishment is alone lodged in the hands of those for whom the truth is withheld or perverted. Men are naturally unwilling to admit frauds in which they have participated, especially when they gain nothing by the admission, and they have no inducement to admit their participation in such frauds to a committee which has nothing to give them. Beyond the advantage of telling the truth for conscience sake, the solace of chagrin at a want of due recognition or the hope that a change in parties may bring reward for their confessions, they have no impelling motives for such admissions.

The confessions of persons who participated in such frauds are unlikely to be made, and when made, are not readily accepted as such. The committee do not doubt that some of the witnesses who have testified before them as to frauds in the election of 1875, and their participations in them have done so from chagrin and disappointment; nor that others may have done so in some hope of a change that might result in their political preferment. But the passage by the House of the resolution that Mr. Hayes' title was unassailable put an end to all such hopes, and was at once followed by a marked falling off in the readiness of persons who had participated in frauds in Florida and Louisiana, and who had not been satisfactorily rewarded, to make or sustain their revelations.

#### POWER OF PATRONAGE TO CONCEAL WRONG.

On the other hand, the power of an administration with the absolute disposal of one hundred and ten thousand offices, some of whose members are most interested in disposing of them so as to sustain themselves and their action, is enormous, as has been felt at every step of the investigation.

There is no form of continuing influence equal for convenience and control to that of an office. If a man be bribed by a sum down he may lose it or waste it, and then the control it gave over him will be gone. But in an office which he holds at the pleasure of the person who appointed him he is under continuing control. While he is compliant and serviceable he receives a support; but when he fails in either regard, or confesses where he might have kept silent, his supplies are cut off and he is turned out on the world without means and without character, ruined by his confession of the truth.

Patronage has, besides this, the further advantage that it affords the possibility of ascribing its bestowment to just causes, so that, while being used for the most reprehensible purposes, the motives of its use may be concealed.

It is the history of all state conspiracies that if the conspirators succeed, the means by which they do so are rarely disclosed or published whilst their party remains in power.

How fully the administration has profited by these examples, and how desperately it has used the Federal patronage, alike to reward and keep under control those who participated in the frauds of 1876 and to retain witnesses in its interest, will appear.

#### CONFESSIONS BY THE GUILTY QUESTIONABLE.

The character of persons engaged in conspiracies, such as those in question in Florida and Louisiana, requires that their statements, whether in confession or denial, should be received with suspicion. It was unavoidable, from the character of those concerned, that the committee should be exposed to mistake and imposition. It was long ago said that the investigation of conspiracies was alike odious and necessary, and your committee have not found this investigation any the less disagreeable or any the less important than the inquiry into other state conspiracies have been. But, however bad the character of conspirators or however unreliable their statements, there are in transactions of the sort, when a sufficient number of witnesses can be examined and many items of testimony collected, certain general patent and controlling facts from which a just conclusion as to what occurred may be reached.

#### COMMITTEE HAVE RELIED ON OTHER TESTIMONY.

Your committee have therefore desired to rest their conclusions, so far as might be, rather upon such known and patent facts and the attendant circumstances than on the confessions of any of the parties who participated in these transactions; and they have not found it difficult, apart from these confessions, to come to a clear conclusion in respect to what in the main occurred.

#### MISREPRESENTATION ON THE COMMITTEE.

Your committee have noticed that very gross misrepresentations from time to time, and indeed almost daily, have appeared in the public press in respect to their declarations, conduct and actions.

Although they had maintained the most absolute silence about the purposes and action of the committee, and have conducted the investigation with the most careful propriety and fairness, there is hardly any improper or unworthy statement which has not been falsely put in their mouths, nor any nefarious and corrupt purpose which has not been attributed to them. They

have, however, kept in mind the rule which required them neither to state anything about the action of the committee nor about their own views in respect to the matter in hand before making their report to the House; and having borne in silence for months these misrepresentations, they desire to say now, in this proper place, once for all, that the same are, and each of them is, absolutely without any foundation whatever.

#### UNIFORMITY AND UNCONTRADICTED NATURE OF THE TESTIMONY.

As regards the transactions in the state of Florida there can hardly be said to be any contradictions or dispute, except to the part the visiting statesmen took in some of the occurrences there.

No witnesses have appeared to contradict the witnesses to the frauds in that state or the general facts to which they testified.

Nor in Louisiana has there been contradiction about the transactions which took place there, except in some degree to the question of intimidation and as to the participation in and control by the visiting statesmen over the action of the returning board and officers of registration. So that, generally, your committee were not embarrassed in considering the transactions in that state by any conflict of witnesses.

In this report they make reference to the testimony of the witnesses, as they proceed, by pages.\*

## I.

### FLORIDA.

The board of canvassers of the state of Florida usurped revisory power over the votes cast. Without warrant of law they rejected votes where they saw fit, instead of compiling them; and that they usurped this power for partisan purposes, and exercised it partially and fraudulently, has been in part confessed. But as the power usurped had no lawful existence, the motives which inspired its exercise may perhaps be regarded as immaterial (McLin, Fla., 98).

#### ELECTORS—HOW APPOINTED.

The Constitution of the United States (art. 2, sec. 1) provides "that each state shall appoint, in such manner as the legislature thereof may direct, the electors of President and Vice-President for that state."

The legislature of the state of Florida directed that the electors of that state "should be elected by ballot."

The laws of Florida provide that the person *having the highest number of votes cast* for any office shall be elected to such office; that upon the close of the polls the inspectors shall proceed to canvass the votes cast; that the canvass shall be public and continuous until completed; that the votes shall then be counted; that if the number of votes exceed the numbers of persons who have voted according to the clerk's list, the excess publicly drawn out by lot shall be destroyed. Duplicate certificates of the result shall then be sealed up and sent to the clerk of the Circuit Court and the judge of the county (Rush's Digest, chap. LXVI).

Upon the receipt of the returns the judge and the clerk are to meet at the clerk's office, and, with the assistance of a justice of the peace of the county, proceed to *publicly* canvass the vote *as shown by the returns on file*, and to forward certificates of the result to the Secretary of State and the governor; and within thirty-five days after the election the Secretary of State, attorney-general and clerk of the Supreme Court are to meet at the office of the Secretary of State and canvass the returns, and if any of the county returns "be shown, or shall appear to be so irregular, false or fraudulent that the board shall be unable to determine the true vote for any such officer or member, they shall so certify, and shall not include such return in their determination and declaration, and the Secretary of State shall preserve and file in his office all such returns," and the accompanying papers.

#### POWER OF STATE CANVASSERS.

This was the only power given the state canvassers. They had no other power whatever. The authority thus given them was an authority to perform the ministerial duty of canvassing and compiling the returns of the election sent them by the county officers, except when so false, fraudulent or irregular *on their face* as not to disclose the vote, and to thus arrive at the result of the vote cast. Indeed, the naked power to canvass returns of itself involved the power of discriminating between what were real and what were forged or only pretended returns of the vote cast. Such a power is a necessary concomitant of the power to canvass returns. In order to count—whether it be votes or money, or any other thing—it is necessary that the one who counts must first decide as to what is to be counted. But the discretion of determining what were real returns from the county officers, and whether they expressed a vote that could be determined from them, was the only power or discretion whatever committed to the state canvassers in Florida. Such has been held to be the law in Florida, both before and since the canvass of 1876 was made. In 1870 the Supreme Court of Florida, in the case of *Boxham vs. The State Canvassers* (13 Fla., '73-'77), declared that the "object of the law was to ascertain the number of votes cast, and determine therefrom and certify the result of the election;" that it is the "duty of the state canvassers to determine whether the paper received by them purporting to be returns were, in fact, such, and were genuine, intelligible and substantially authenticated by law," and if so, it was their duty to count and canvass them.

This law was, in December, 1876, reaffirmed in *Drew's* case by the unanimous decision of the Supreme Court, of which the majority were Republican. "The duty and power of the board of

\* References are made to the testimony taken by the committee by pages simply, thus: p. 10; to the testimony taken by the Florida sub-committee as Fla., p. 10; to that taken by the first Louisiana sub-committee as La., p. 10. The testimony taken by the second Louisiana sub-committee is embodied in the testimony of the main committee.



state canvassers," say the Court, in that case, "was confined exclusively to the compiling of such returns of any election as should come to their hands from the county canvassing boards, and upon computation of the aggregate vote, as shown by such returns, to ascertain who had received the highest number of votes for any office, and to certify the result and declare therefrom who was elected to any office" (Fla., 59).

Such has also been held to be the true meaning of similar laws in the other states of the Union. Indeed, there is no question better settled; and none as to which the view established is more in accordance with the spirit of our institutions, separating government into distinct departments, in which the judicial, the legislative and the executive authorities exercise distinct and independent functions.

#### UNLAWFUL ACTION OF STATE CANVASSERS.

By the genuine returns made to the board of state canvassers, the Tilden electors were chosen by a majority of 91. This result the state canvassers overcame by arbitrarily and unlawfully rejecting portions of the votes duly returned to them. Under the claim of exercising a discretion with which they had not been clothed, they excluded the entire return from Manatee county, and parts of the returns from the counties of Hamilton, Monroe and Jackson, amounting to over 1,000 votes, and thereby gave the state to the Hayes electors by a majority of 220, instead of declaring the true majority for the Tilden electors.

#### UNLAWFUL ACTION CONCEALED.

After all the board had heard the proofs and arguments before it, it conducted its final conference in secret. Federal troops surrounded the State House, and access was only permitted through the state officials, of which Governor Stearns was the head. Throughout the whole canvass, and before the election, he had been alike vigilant, unscrupulous and determined. It was only on the morning of the 6th of December that it was announced that the board had decided to give their certificate to the Hayes electors. At the same time they announced that Stearns, the Republican candidate, had been chosen governor (Fla., 147).

#### TILDEN ELECTORS MEET AND VOTE.

On the same 6th of December, being the day appointed by law for the meeting of the electoral colleges (R. S., § 135), the Tilden electors, who had received a clear majority of all the votes cast in Florida at the election of 1876, and who were thereby, by virtue of the constitution and laws of the state of Florida, duly appointed the electors of that state, met and cast their votes in distinct ballots for Samuel J. Tilden for President and Thomas A. Hendricks for Vice-President of the United States, and certified the same in due form to the President of the Senate of the United States (Electoral Count, 12-14).

#### ACTION TO TRY THE TITLE OF THE ELECTORS.

On that day, but prior to their meeting, and prior, also, to the assembling of the Hayes electors, the Tilden electors also brought an action by *quo warranto* to try the title of the Hayes electors to the offices which they usurped. In that action judgment was subsequently given declaring that the Hayes electors were usurpers and had no title to the office, and that the Tilden electors had been duly elected thereto, which judgment remains in full force and effect, unreversed and undischarged.

#### ACTION TO TRY THE TITLE OF GOVERNOR.

At the same time an action was brought by Drew, claiming to have been duly elected as governor of the state, for a *mandamus* directing the canvassers to re-canvass the vote of the state for governor, according to the established law of Florida, which, like that of other states, provides for directing a re-canvass, or completion of the canvass, in case of mistake, neglect or abuse by the canvassing officers. In that proceeding the Supreme Court of Florida adjudged and declared that the canvassing board had exceeded its powers, and had usurped discretionary and revisory functions not committed to it by law, and that its duty was to count the votes returned to it, not to discard them, and directing it to complete the canvass of the votes duly returned to them (Fla., 60, 74).

#### THE RE-CANVASS FOR GOVERNOR.

In obedience to that direction the board of canvassers did proceed to re-canvass the vote of the state for governor, and returned Drew as elected, and thereupon he entered upon the office of governor, and has remained such, without question, ever since.

In January, 1877, the legislature of the state convened. It at once declared that it was the duty of the state canvassers to also count the votes for electors, according to the judgment rendered by the Supreme Court of the state, and directed that they proceed to re-canvass the vote accordingly, and to verify the result of the election. And the board of canvassers did thereupon proceed to re-canvass the votes in accordance with the law as settled by the Supreme Court, and as ordained and directed by the legislature, with the result that the Tilden electors were found to have been chosen by a majority of ninety-one votes (Act January 7, 1877; Electoral Count, 22).

The same statute declared the electors shown to have a majority on the re-canvass made according to law to be the true electors, having the right, and alone having the right, to cast the vote of the state; then superadded an appointment by the legislature under the Constitution of the United States; and also provided for a lawful and conclusive authentication of the right of such electors to cast the vote of the state, and for the issue of true certificates by the state canvassers and the issue of true certificates by the governor (Electoral Count, 22).

Thereupon the governor of the state proceeded to issue his certificate in due form (R. S., § 136), declaring, as provided by law, that the Tilden electors, which had duly met and voted on the 6th of December, the day fixed by law, were the persons appointed to the office of electors for that state.

#### DECLARATION BY THE STATE OF FLORIDA.

And thus it was that the state of Florida, prior to the second Tuesday in February, when the votes of the electoral colleges were to be opened and passed upon and counted in Congress, as provided by the Constitution and the law, had duly declared, by every department of her government

—the executive, legislative and judicial—that the votes cast at the election of 1876, in accordance with the Constitution of the United States and the laws of that state, the Tilden electors were the true and only electors appointed in Florida, and were the only persons entitled, on the 6th day of December, 1876, to cast the vote of that state for President and Vice-President, and that the Hayes electors had usurped the office, misrepresented the choice of the people and the wishes of the state.

#### USURPERS RECOGNIZED.

But it was impossible to get any decision by the court on the *quo warranto* in the few hours between the announcement in favor of the Hayes electors by the canvassing board and noon of that same day; and at noon the persons who were unlawfully declared by the state canvassers to have been chosen electors met and assumed to cast the vote of the state for Hayes and Wheeler. So that while the usurpation of the state canvassers was corrected by the state at the earliest possible moment, and the canvassers, by withholding their declaration, had themselves fraudulently prevented its earlier correction, and a though the persons who were really elected had duly met and voted for President on the law day, nevertheless, the Electoral Commission decided, because of the fraudulent return of the canvassing board, and because the governor had fraudulently withheld his certificates from the true electors, and given them to the persons falsely returned electors by the canvassing board, that the spurious electors were in possession of the office on the law day, and did exercise the power of the state, and that all the authorities of the state combined were powerless to give evidence, and Congress was powerless to accept evidence of the public facts which everybody knew. And Mr. Hayes holds his title by this decision (Electoral Count, 11).

#### FRAUDULENT ANIMUS OF STATE CANVASSERS.

It was assumed in Florida that the state canvassers could exercise power to go behind returns, and during some days evidence was introduced and discussions had before them in contemplation of that probability. It might seem, therefore, not to be just to conclude from the mere assumption by the state board of such powers that they intended to act falsely and fraudulently. But an examination of what they did will disclose that their controlling purpose was to count the state, at all events, for Hayes. While frauds pointed out by Democrats were disregarded, Democratic votes enough were excluded, without just cause, to secure the result upon which they had determined.

A review of the votes cast returned to and rejected by the state canvassers will make clear the fraudulent animus which controlled the Republican members of that board.

#### IN REJECTING VOTES.

The whole vote of the county of Manatee, which was 262 for the Tilden and 26 for the Hayes electors, was rejected for the alleged reason that there had been no clerk to conduct the registration. That there was no clerk was because Stearns, the Republican governor, had failed to appoint one for that Democratic county. For this official dereliction on his part the board deprived all the voters previously registered of their suffrage, and rejected the whole vote of the county (Sen. Rep., 611, pp. 356-64).

In Hamilton county they threw out the whole vote at poll No. 2, in Jasper precinct—where the vote was 320 for the Tilden electors and 189 for the Hayes electors—without any charge of illegal voting, but on the alleged ground of irregularity, because two Republican inspectors who conducted the election and made the returns, filed an affidavit before the board, stating that they had absented themselves from the polls different times during the day (*Ibid.*, pp. 151-154; *ibid.*, pp. 416-425).

In Monroe county they rejected the return of 401 Democratic and 59 Republican votes because the canvass was not completed that day, the inspectors having adjourned and completed it the next morning, although there was not even a suggestion of wrong in the count or custody of the ballots.

In Jackson county, Campbellton precinct—giving 291 Democratic and 77 Republican votes—the vote was entirely thrown out, although it was not even claimed that more than 133 Republican votes could have been given, because the inspectors went to dinner and left the ballot-box meantime carefully locked in a secure place, also locked and barred, placing the keys in the possession of the Republican inspector, who certified to the returns and testified that there was no fraud nor wrong about the election. And the return for Friendship precinct, giving 145 Democratic and 44 Republican votes, was rejected, because the inspection officers, who were colored, left the church, where the election was held, at night, without completing the count, to go to a neighboring house to get lights and paper to complete it, and there made their return (*Ibid.*, pp. 175-178; *ibid.*, 201-2).

#### IN RECEIVING VOTES.

On the other hand, frauds by which the Democrats suffered were disregarded.

In Alachua, Dennis was the chairman of the Republican committee, and the virtual manager of the Republicans in the county. To his house, on the night following the election, came Richard H. Black and Thomas H. Vance, two colored men who had been conducting the election at Archer precinct, box 2; Vance as inspector and Black as clerk, both leading and managing Republicans (Dennis, 477; do. 494; Fla., 155-171).

They brought with them a blank for the returns of the election already signed and sealed, but as to which the figures remained to be filled in. They were asked by Dennis what was the vote at the precinct where they attended, and they informed him that it was 178 Republican and 141 Democratic; and they had so announced it at the polls. At that he expressed great indignation, and declared that the business had not been properly managed, or no such result could have been reached. They expressed contrition, and their willingness to correct any error that had occurred in the returns. He accordingly furnished them with an upper room, and with a printed list of the voters of the county, and from that printed list they proceeded to add 219 fictitious names to the poll-list, and as many to the Republican candidates. This brought the vote up to a total of 397 Republican and 141 Democratic, and their return was filled up to correspond with this result. This fraudulent return was then forwarded to the county canvassers, and embraced in their return to the state canvassers, notwithstanding one of the inspectors at that pole made affidavit the return was false and forged. The visiting statesmen allotted to Governor Noyes the task of maintaining the truth and fairness of this return before the state canvassers (Dennis 492, 493, 494; Fla., 160; Dennis, 492-4, 483, 486, 492).



These returns were attacked by the Democrats on the grounds of this addition. Dennis defended them. The board allowed them. McLin, one of the board, and Dennis, Black and Vance were all subsequently appointed to office by Hayes. McLin and Dennis were thereafter retired, and McLin then admitted the fraud in Alachua, and Dennis confessed his participation in it. Black and Vance have been in attendance on your committee, but have not appeared to deny the transaction. They still continue to hold their places in the departments. The transaction itself, therefore, may be said to remain uncontradicted (McLin, Fla., 129-130; Fowle, Fla., 151-154).

In Leon County, Bowles, one of the inspectors of the election procured a lot of small Republican tickets, to be printed in very fine type and on thin paper. These tickets, spoken of in Florida as "little jokers," he had printed at the official Republican printing office. Before the election he showed them to McLin, and stated his purpose of using them. The plan was to fold them up inside the ballots that were voted, and have them surreptitiously so cast, or otherwise to smuggle them into the ballot-boxes, which their small size easily admitted of. McLin advised Bowles not to use them. After the election Bowles stated that he had managed to smuggle seventy-three of them into the boxes in his precinct, and he told McLin, after the state had been awarded to the Democrats, and it was known Drew was to be governor, that he was in a scrape on this account, and that he had to clear out for stuffing the boxes. It was claimed, because these ballots were found loose in the box, and not folded inside the other tickets, that they had been regularly cast; but it would have been very easy to have produced that effect, either by some other manner of stuffing the box than the one originally proposed, or by shaking the box after they were deposited, and thus scattering them, and that circumstance was of no weight against Bowles' own admission, and against the evidence of the persons receiving the ballots, that not one of these small ballots was voted. Bowles fled the state for protection, and found a refuge in the Treasury Department at Washington, where he still remains (Fla., 99; Edwards, Fla., 94-7; Fla., 129, 152, 153; Booth, 153).

In a certain precinct in Jefferson county, where Bell was inspector, the inspectors tied up the tickets into bundles of one hundred each and laid them out on a counter. Bell ingeniously withdrew one of these bundles, probably all Democratic votes (but whether all such or part only and part Republican, perhaps, does not clearly appear), and substituted instead one hundred Republican ballots; for which little service—early admitted and confessed also to McLin when the Democrats recovered the state—Bell found a haven in the Department of the Interior (McLin, Fla., 99, 126-130; *ibid.*, 126-130).

#### THE FACE OF THE RETURNS.

It has been denied upon the face of the returns the Tilden electors had a majority of the votes cast.

The Executive and the Republican officials of Florida who conducted the election well knew the importance of having a majority on the face of the returns, and they made the most desperate efforts to secure one. But it will be seen that the effort failed, and that only after it was learned that the returns gave the Tilden electors a majority that the expedient of assuming unauthorized discretionary power was resorted to by the state canvassers.

About this there ought to be no dispute. The returns from the various counties, as certified to the board of state canvassers, gave 24,441 votes for the Tilden electors and 24,350 votes for the Hayes electors. An attempt was made to falsify the returns from Baker county so as to reverse the result. The history of this attempt, as told by the Republicans who conducted it, and confirmed by all the evidence, is significant (Bloxham, Fla., 54).

#### BAKER COUNTY FALSE RETURN.

The law required the county clerk (clerk of the Circuit Court of the county), county judge, and a justice of the peace for the county, to canvass the precinct returns as soon as they were all received, and if not then all received, to canvass those received by the sixth day after the election, and certify the result to the secretary of state and governor (Coxe, Fla., 11 and 47).

In case of the absence or refusal of the county judge or clerk to act, the sheriff of the county was to be called upon to act in his place. The canvass was to be conducted publicly at the clerk's office (Coxe, 11 and 47).

The returns having been all received, Coxe, the clerk of the county, notified Allen, the sheriff, in the absence of Driggers, the county judge, to attend on the 10th of November, at the place prescribed by law, to canvass the returns. A like notification was given to Dorman, the justice of the county. Dorman attended, but Allen, the sheriff, refused to join in the canvass, which the clerk and the justice thereupon proceeded to make and return to the secretary of state. The county contained four precincts, the votes from all of which were embraced in this canvass, and gave 238 votes for the Tilden and 113 votes for the Hayes electors (Coxe, Fla., 12; Bloxham, Fla., 7).

Driggers, the county judge, hearing of this canvass, on the 10th of November gave written notice to Coxe and to Dorman of a canvass to be held on the 13th of November, that being the latest day allowed by law for canvassing the returns. He then went to Tallahassee, and there learned the result in the state, and that the vote of Baker county gave the state to Tilden. He procured there from Stearns, the governor, a commission to one Green, as a justice of the peace, and returned to Sanderson. On the 13th Dorman and Coxe attended, upon the notice which Driggers had given, to proceed with the canvass. Driggers absented himself part of the day, but they subsequently found him, and he then refused to join them in the canvass. They then applied to Allen, the sheriff, to join in making the canvass, and he, under instructions from Driggers, refused also. Driggers told Allen that "they (the Republicans) were beat in the state; that something must be done," and that "he proposed to have a canvass by himself." Allen asked him how he could get any one to act with him, and he said he "had got it all right;" that he "had a commission for Bill Green as a justice of the peace" (Coxe, Fla., 16; Driggers, Fla., 33; Coxe, Fla., 14-17; Allen, Fla., 18; Green, 25).

Coxe and Dorman, after waiting all the day, proceeded, late in the afternoon, upon the refusal of both the sheriff and county judge to join them, to complete the canvass themselves. This corresponded exactly with the canvass made upon the 10th; and they certified the result, with an explanatory note, stating the refusal of the other officers to participate in the canvass, and left and locked up the clerk's office (Coxe, Fla., 12).

After dark Driggers procured a key to the clerk's office, and taking Allen and Green with him, entered and found the returns lying on the table, where Coxe and Dorman had left them. He then

told Allen and Green that they must throw out two precincts—Darbyville and Johnsville—which gave Tilden a majority of 126, and they excluded them entirely, and took the addition of the votes of the other two precincts made by Coke and Dorman, and returned those two precincts alone as the vote of the county. In excluding from the returns the two precincts that they did, Allen and Green acted solely upon Driggers' direction. They had neither proofs, affidavits nor other evidence of any kind before them; but Driggers said that he knew one case of illegal voting in one precinct and one of intimidation in another, and they must exclude these precincts, and that it was necessary for the success of the Republican party in the state that they should do it; and they did it (Allen, Fla., 19; Allen, Fla., 18; Driggers, Fla., 33; Green, 25).

When the board of state canvassers came to Baker county, having before them the returns from all the precincts, with which of course the Coxe return corresponded, they properly took the Coxe return and canvassed it. McLin first read out the Driggers' return as if the only one received, because, as he says, "it was the one most favorable to the Republicans." But on the other return being demanded, the fourth-precinct return was reluctantly produced, and was then read, and was canvassed. This left a majority upon the face of the returns for the Tilden electors and for Drew, the Democratic candidate for governor. But by exercising the arbitrary power of rejecting votes from other counties, the state canvassers succeeded in bringing out majorities for the Hayes electors and for Stearns, the Republican candidate for governor. But none the less it remains that according to the face of the returns the Tilden electors were duly chosen in the state of Florida, and should have been so declared (Pasco, Fla., 55-56; McLin, Fla., 105).

It was claimed that if the canvassers must count by the face of the returns, they were bound to count the Driggers' instead of the full returns from Baker county, because it was signed by the judge, a justice and the sheriff, while the full return was only signed by the clerk and a justice. But the sheriff had no power to act except when the clerk or judge did not. And as the returns showed that both the clerk and judge had acted, they furnished the board the evidence on their face that the contingency in which alone the sheriff was authorized to act had never occurred, and that his action was a nullity. The board had, therefore, before it two returns, each signed by two authorized officers only, one returning the vote of but two precincts, the other returning the vote of all the precincts in the county and explaining the absence of the judge and sheriff. On the face of the returns, therefore, the latter was a complete, the Driggers' return only an incomplete and partial return; and, under the circumstances disclosed by the returns, one suggestive of fraud.

#### BAD FAITH OF THE STATE CANVASSERS.

The conduct of the two Republican state canvassers subsequent to this canvass shows their want of good faith; for, after the direction of the Supreme Court requiring the re-canvass of the vote for governor, they volunteered to re-canvass the vote for the electors in accordance with its decision in the case of the vote for governor—that is, according to the true returns before them. As doing this would give a majority to the Tilden electors, when they came to Baker county they took the return Driggers had manufactured, containing but two precincts of that county, and thereby made the result seem to be, upon the face of the returns, for Hayes. But as between the double returns from this county it was within their province to decide, and as they had the facts and the precinct returns before them, and had previously determined that the Driggers' return was partial and false, their adopting it on this canvass, under the false pretense of obedience to the court, was another fraudulent act in violation of right and law to make it falsely appear that the state had gone for Hayes. Especially clear is this, as in both their canvasses of the governor's vote they included the fourth-precinct return of Baker county (McLin, Fla., 107; McLin, Fla., 127).

Howell, an employee in the clerk's office of Baker county, claimed the credit of causing the Driggers' canvass, and insisted that it was he that had secured Mr. Hayes' election, as the double returns from that county furnished the pretext for counting it for Hayes; and he was rewarded for his ingenious device by being made United States collector of the port of Fernandina (McLin, Fla., 141).

#### THE ACCURACY OF THE PRECINCT RETURNS.

An application was made to your committee to show that the precinct returns in the state of Florida did not correspond with the votes actually offered. That evidence we declined to receive. An inquiry as to whether the local election officers of the state of Florida had improperly received or rejected any votes would be neither profitable nor practicable. Such an inquiry would involve evidence not only as to what took place before them, but as to the residence, naturalization, or other fitness, as well of the persons whose votes were rejected as of those whose votes were received, and might be so conducted as to extend to every man in the state, and its completion thus be made absolutely impracticable (Allen, Fla., pp., 22-3).

Beyond this the laws of the state of Florida do not contemplate such an inquiry. The laws require the precinct officers to count the votes cast, so far as they tally with the poll-list, and return the same to the county officers, who are to compile and forward the votes thus returned them by the precinct officers to the board of state canvassers; and the state has withheld from them any other authority. When the precinct officers and the county officers and the state officers had exercised these powers, and the only authority vested in them, the result showed that the state had cast its vote for Tilden. That vote had been ascertained by the means provided by law, and an inquiry into the purpose or wishes of the individual voters would have been alike impracticable and without the law of Florida.

In view of the control which the Republican state officials exercised over the election and returns throughout the state, and their determination to use every possible influence, power and opportunity to have the state counted for the Republicans, it is quite certain that no injustice could, on the whole, have been done to their own party by the local officers of election. But had it been otherwise, it was not within the authority of Congress to correct the evil, nor within its powers efficiently to investigate it; and we therefore decided not to enter upon an inquiry such as the state had not provided for, which could not be brought to any conclusion within the term of this Congress, and which could result in no fact important for the determination of the real questions involved in the investigation.

#### THE DECISION OF THE ELECTORAL COMMISSION.

As is well known, the Electoral Commission, by a strict party vote, refused to inquire into fraud in the appointment of electors, and refused to receive evidence thereof or to inquire into their title,



and refused also to recognize the vote cast by the electors appointed in accordance with the Constitution and the laws of Florida, and which, upon the completion of the canvass directed by the legislature, and conducted in accordance with the judgment and direction of the Supreme Court, had been verified as the only real appointment by Florida. They persisted in counting instead the vote given by the usurping electors on the 6th of December for Hayes and Wheeler, which is the foundation of their title.

And yet, as has been stated, there is really no question or dispute about what did occur in the state of Florida, and it is evident from all the proceedings in that state that, according to a true return and canvass of the votes cast, a majority of the votes of that state were cast for Tilden and Hendricks, and not for Hayes and Wheeler.

Nor can it be doubted, from a review of the undisputed facts, that the action of the state authorities in falsely returning the state for Hayes and Wheeler, was an intentional wrong, fraudulently and knowingly carried out under the encouragement of the visiting statesmen.

#### THE DANGER FROM THAT DECISION.

Such a wrong may be repeated in any state at any Presidential election, and the Electoral Commission has decided that, if it be not corrected by the state before the first Wednesday of December following the election, it cannot, under existing laws, be corrected at all, and that the vote of the usurping electors must be counted.

This we think an erroneous, unjust and dangerous determination.

The exercise of choice by one entitled to suffrage cannot be said to be complete until his vote is finally deposited. If a man were to approach a poll, and offer to vote by handing up a ballot, and his vote should be challenged, and he should be subjected to question, and finally be required to swear in his vote, and the ballot he tendered should be passed up from the officer who received it to one who compared it with the registry, and from him to one who administered the oath and conducted the examination, and finally to that officer who was to deposit it in the ballot-box, and at the last moment the latter should remark to the voter: "I notice you vote for A B," and the voter should reply: "No; that is a mistake; I had a wrong ballot put into my hand; I intended to vote for C D; give me back that ballot;" every one would say that the correction was in time, and that the voter would have the right to recall the ballot which he had mistakenly passed up. Just so, it seems to us, that when, by the fraudulent and unlawful action of the canvassing board, men received certificates as electors who were not entitled to them, and thereupon assumed to cast the vote of the state, there remained in the state, until the return was finally opened and Congress came to decide what were the electoral votes, a power to annul the action unlawfully taken, and to declare that the vote thus returned was not her vote.

#### AND ITS INJUSTICE.

The Tilden electors, who had a majority of the votes cast at the Presidential election in Florida in 1876 were, by virtue of the Constitution and the laws of Florida, thereby appointed the electors of that state. It then only remained to declare their election. That the canvassing board fraudulently declared persons not elected to have been appointed, or that the governor fraudulently withheld his certificate from the true electors, did not affect the right of the Tilden electors, and when they met on the day fixed by law and cast their votes for President and Vice-President, theirs were the only votes for those offices entitled to be given, and when that fact was made to appear by the action and declaration of every department of the state government, no other votes should have been counted.

Neither the Constitution nor any law in pursuance of it limits the state from offering evidence to verify its vote or prevent the Congress from receiving such evidence at any time before they act in receiving and counting, or refusing to receive, the votes certified as the vote of the state. And the Constitution makes the two Houses of Congress the exclusive and final judge of what electoral votes shall be counted.

#### REMEDY RECOMMENDED.

But, since the Electoral Commission have otherwise decided, we recommend the passage of an act providing that in case of contest as to the choice of the electors in any state, if the highest court of the state shall hear and pass upon the title of the contesting electors, its judgment, when certified to the Congress any time before the second Monday in February following the election, shall be controlling upon that question, unless the two Houses of Congress otherwise order and agree.

#### MR. NOYES' CONDUCT.

It was claimed, and this was the only point upon which there was any conflict in the evidence, that the wrongful action of the state authorities was not procured by the co-operation of Mr. Noyes, and that he, at least, had no knowledge of their fraudulent purpose and conduct (Dennis, 478; McLin, Fla., 100).

Mr. Noyes seems to have been regarded as the leader of the Republican visitors and special friend of Mr. Hayes. He often spoke of Hayes as his intimate friend, and gave assurances of Hayes' fidelity to the Republican cause, and his special desire to take care of Southern Republicans. He occupied, while at Tallahassee, the same room with Gen. Lew Wallace.

He denies having made Mr. McLin any promise of office or reward for his conduct on the canvassing board, and Gen. Wallace says the assurances which McLin received were from him. As it was known that the Presidency was at stake, and telegrams from all parts of the country were coming in to the officials and canvassing board of Florida to stand firm, it doubtless "goes without saying" that McLin and Cowgill knew they were to be compensated or rewarded for any service that they did either party at that juncture, and Mr. Noyes admits having waited on McLin immediately after the canvass to thank him and offer his services to obtain reward for him (McLin, Fla., 98 and 100).

He denied having even had any private conversation with the canvassers. But as to this he is probably mistaken (Noyes, 504; Cocke, Fla., 149; McIntosh, Rippey, 133; Dennis, 478-481).

There was some doubt about the sincerity of the visiting statesmen's desire to save the state for Stearns, the idea being that they cared only for Hayes. The Republicans known as carpet-baggers had an indignation meeting over this. Dennis had heard that Gen. Barlow had been negoti-

ating with the Democrats to have the state counted for Hayes and Drew, and he went, as the representative of the carpet-bag Republicans, to see Mr. Noyes, whom, he says, they regarded and who was generally understood to be the personal representative of Mr. Hayes. He found Noyes and Wallace in bed, and in an excited manner stated the alarm he and his friends felt, and added: "We had determined that the state belonged to Tilden and Drew or to Hayes and Stearns; that it did not belong to a Republican President and a Democratic governor." He demanded that the management of the Republican case before the canvassing board be taken away from Barlow; "that they believed there was a trade going on, by which the national ticket was to be saved and the state ticket sacrificed; and that they intended to give the state to Tilden in that event, if they could, and that they believed they could." At this Noyes and Wallace both got up, went speedily out, giving Dennis satisfactory assurances; and the result was, that the management before the board was transferred from Barlow to Noyes.

Noyes admits the visit; says Dennis was greatly excited; complained that the local Republicans considered they were being sold out; demanded that the conduct of the case should be taken from Barlow, "and threatened all sorts of things—'to give up,' try to do nothing'—if the demand was not acceded to." Noyes adds that Dennis did not explain what he meant by selling out; that he neither understood nor thought about how it was possible, at all, and only acted as he did to accommodate Dennis and his friends, who were angry and distrustful (Noyes, 499).

Dennis further states, that in the Alachua case, in which he procured the affidavits to support the false returns, Noyes notified Dennis of his intention to call him as a witness; Dennis objected; "told him he must not do it, unless he wanted to give up his case, or words to that effect." "I wanted him," he testifies, "to understand that I objected to going on the stand, and it would do no good to put me there. He asked for no explanation, and I gave him none, and left him to draw his own inferences." "He knew that I was familiar with the election proceedings in Alachua county, and in getting the evidence. He knew that I did all the work there myself (Dennis, 482).

Noyes states that he asked Dennis to be sworn because he had insisted upon the correctness of the Alachua returns, and had undertaken to prove it, and had proved it to his own satisfaction; but that he had learned that Dennis' life had been threatened; that he had heard somewhere of his calling together the colored people of the vicinity, and having them kneel down and raise their hands and "swear that if he was killed they would lay waste in every direction and avenge his death." "That," he adds, "made an impression on me. Knowing, therefore, the danger which he and others regarded him as being in, the impression I got was that he did not wish to testify so as to bring himself into conflict with anybody, especially, perhaps, because he himself was a candidate for the Senate, and his own election was at stake. That was the only impression I had" (Noyes, 497).

Many persons may regard these explanations as far from satisfactory, and, unfortunately for the last explanation, it has appeared that Dennis' own election was not at all at stake, having been previously decided, and that, so far from having been alarmed or having considered himself in very great danger, he had never been alarmed at all. On the contrary, he told Mr. Noyes "that it was often necessary to assume a bold and aggressive attitude; and, as illustration, said that he was once going to Noonansville to hold a meeting, and was warned by, perhaps, two or three citizens not to speak, that it might lead to a disturbance that might endanger his life; that he went on to the meeting and spoke, and stated the warning, and asked the audience if anything happened to him if they would retaliate and avenge him, which they expressed their willingness to do. He was not intimidated, and never gave Noyes the impression that he was; that, after learning of Noyes' testimony, he spoke to Noyes and told him it was wholly imaginary, and that he wished him to correct it; that he promised to do so, but left for Europe without doing so; that he then wrote him and received in reply the letter to be found at page 854 (Dennis, 853-855).

Dennis adds, and it is curiously illustrative of the intimidation cry, that the first time he heard of his being intimidated was on some social occasion, when Noyes was telling the same story he testified to before the committee, and that when he undertook to correct him, Noyes disposed of him with the reply: "Now, Dennis, do not interrupt me, this is my story;" of all of which Noyes makes no contradiction (Dennis, 854).

Noyes was not then a Federal officer; he has since received his appointment as minister to France. He may not be liable to be impeached for any action before he became minister, nor to any punishment by Congress; and the committee, therefore, submit whether the action of state canvassers of Florida was influenced by his conduct and action.

#### GENERAL BARLOW'S JUST COURSE.

Among the gentlemen sent by the President to Florida was General Francis C. Barlow. His distinction as a lawyer, a soldier and a public man caused him to be regarded as a leader there. He argued various questions for the Republicans, but when finally desired to sum up their whole case before the canvassing board declined, because unwilling to insist upon all they claimed. He was ready to sustain everything that could be rightfully urged for the Republicans, but not what was clearly untrue, unjust and unfair.

After the proofs were closed he had an interview with Mr. Cowgill, one of the canvassers, in which he stated the necessity for applying the same principle to both parties, insisting that Democratic polls should not be thrown out where, on like facts and conditions, Republican polls were retained, nor Republican polls received where, under like circumstances, Democratic polls were rejected.

As the result of the application of these principles to the facts before the board, he stated to Mr. Cowgill he did not see how the vote of the state could be given to Hayes. In this Cowgill concurred. Governor Stearns then came in, and to him General Barlow repeated his views and convictions. Later in the evening he made a like statement to one of the Democratic counsel, and the following day he communicated these views to others. Mr. Cowgill having again called upon him and exhibited a change of feeling upon the subject, he then wrote him a letter reiterating his desire to see the same rules of law and evidence impartially applied to both sides.

For this General Barlow was severely censured before the committee by Mr. Chandler, who had charge in Florida of the Republican case, who insisted his conduct had been treacherous and dishonorable. It is conceded that General Barlow communicated no fact to the Democrats, nor expressed his conclusions until the case was closed, and then openly and frankly to his own party friends first; but Mr. Chandler claims that, standing in the relation he did to the Republican party, he ought not to have expressed to the canvassers or to the public his conviction as to the result of the election and the duty of the board.

General Barlow seems to have really thought that Florida ought not to have been counted for



the Republicans unless that could be fairly done. Indeed he told Mr. Chandler Mr. Hayes would not accept the Presidency unless satisfied he was fairly elected. This Mr. Chandler denounces as "a shallow and sickly pretense" on the part of Mr. Hayes.

It affords the committee satisfaction to find one man with whom, at any rate, this was not a pretense; and who, notwithstanding he regarded the election of Tilden "as a great national calamity," was still willing to face the coldness of his friends and the accusations of his associates in the discharge of what seemed to him, as it does to us, a paramount duty; and who did really go to Florida for the purpose of seeing "a fair count." That his was the single instance of such integrity and independence only entitles him to the more respect.

#### LIST OF OFFICE-HOLDERS.

In conspiracies everything is to be presumed against the conspirators. In crimes participation in the fruit of the crime is among the strongest evidences of complicity in it.

The following officers of the government were in Florida during the Presidential canvass, drawing their regular salaries, looking after the canvass:

Thomas J. Brady, Second Assistant Postmaster-General.

E. W. Maxwell, Assistant in Attorney-General's Office.

— Peyton, " " " "

H. Clay Hopkins, Special Agent Post-Office Department.

Wm. T. Henderson, " " " "

Z. L. Tidball, " " " "

B. H. Camp, " " " "

Alfred Morton, " " " "

The following were visiting statesmen since appointed to office:

Edward C. Noyes, Minister to France.

John A. Kasson, Minister to Austria.

Lew Wallace, Governor of New Mexico.

John Little, Attorney-General of Ohio.

Gen. Francis C. Barlow, late Republican Attorney-General of New York.

Wm. E. Chandler, Secretary of National Republican Committee, were also among the principal visiting statesmen.

General Barlow wrote a letter stating that Tilden was elected.

Mr. Chandler wrote a pamphlet reflecting on Mr. Hayes. Neither of them have been appointed to any office.

The following persons were connected with the count in Florida, and have since received the following appointments:

M. L. Stearns, governor, Commissioner of Hot Springs.

John Varnum, adjutant-general, Receiver Land Office.

George H. DeLeon, governor's secretary, Custom House.

Samuel B. McLin, state canvasser, Justice of New Mexico.

F. C. Humphreys, first elector at large, Collector Pensacola.

Charles H. Pearce, second elector, has been convicted of bribery when member of legislature and pardoned by Stearns (Sen., Rep., 611, p. 14).

J. W. Howell, Baker false return, Collector Fernandina.

L. G. Dennis, Alachua, manager, Treasury sinecure. Dennis became dissatisfied with this subordinate position; was removed, and then published an affidavit admitting the fraud.

Richard H. Black, false returns Alachua, Custom-house.

Thos. H. Vance, false returns Alachua, Sixth Auditor's Office.

W. K. Cessna, county judge Alachua, Postmaster Gainesville.

Joseph Bowes, stuffed boxes Leon county, Treasury.

James Bell, changed tickets Jefferson county, timber agent (Bell was dropped but after Dennis' statement was reinstated).

Moses J. Taylor, clerk Jefferson county, Land Office.

Manuel Govan, Rep. manager Monroe, Consul Spezzia.

— Phelps, political manager, Sec. to McCormick at Paris.

E. W. Maxwell, detective, lieutenant regular army.

G. D. Mills, telegrapher, Interior Department.

William J. Purman, member of Congress, had sister in Treasury Department; declared he considered Tilden elected, and his sister was dismissed.

Dennis Eagan, Ch. Rep. State Com., timber agent. Eagan came to Washington to testify; then stated he knew nothing; returned home, and received this appointment.

## II.

### LOUISIANA.

In Louisiana a returning board existed, having by statute (but, as we think, contrary to the state and Federal Constitutions) discretionary power in certain cases over the returns. They usurped a kindred power in cases where none was granted, and by arbitrarily and fraudulently rejecting more than ten thousand Democratic votes duly cast and returned, gave that State to Hayes.

#### SUPERVISORS OF REGISTRATION.

The election laws of Louisiana provided for a registration of all the eligible voters of the state. Supervisors for this registration, and the clerk, were to be appointed in every parish (county) by the governor. These supervisors were to conduct and continue the registration from year to year. They were to sit for thirty days preceding the election in order to hear the persons seeking to be registered, and to register or reject the same. From their judgment there was no appeal. They

could, in effect, register whom they pleased and refuse whom they pleased; and the citizens rejected, or the body of citizens injured by improper registration, were alike without remedy. Possibly some action at law might have been taken against the supervisors, but none by which practical relief could be secured before the election (Act 1871, 155).

The law further provided that these supervisors might designate the number of polls for each parish and the places at which they were to be held; and that the voters registered might cast their ballots at any poll within the parish.

The law also provided that the supervisors, *prior* to the election, or commissioners of election upon election day, might protest against the freedom and fairness with which the registration or election had been conducted; and the protest, if accompanied by the affidavits of three citizens in support of the same, should be attached to the returns, and forwarded to the returning board; and that a duplicate of the protest should be filed with the clerk of the parish (Act 1872, 98, §3).

#### POWER OF RETURNING BOARD.

This returning board, thus possessed of the returns and of any protest accompanying the same, were then to hear evidence as to the allegations contained in the protest so forwarded, and decide thereon; and the law authorized them in case they decided that the election at any poll duly protested against had not been fair and free, to exclude the poll entirely, but not to purge it.

The power thus given to the returning board was a novelty. In no other state in the Union has such a power ever been retained. Mr. Sherman and the "visiting statesmen" have declared that "nothing could be more simple, nothing more just" than the provisions of this law (44th Cong., 2d sess., Ex. Doc. 2, p. 5).

In our judgment, nothing could be more unjust, more wicked, or more fitted to disguise and cover up fraud. Leading Republicans of Louisiana have spoken of this law as the greatest political invention of the age; and in the sense of its being the most dangerous and the most atrocious, they were right.

In the first place, the registrars had almost absolute control over the vote. It was not an infrequent thing when the supervisors were permitted to be candidates, for supervisors of registration to come just before the election into localities where they entire strangers, and return themselves, at the close of the polls, elected (Sheldon, p. 1468).

Under the provision by which the supervisor was to fix the polling places for the parish, he could withhold any announcement of them until so late that the opposition would not generally learn by the election day where the polls were fixed, while his own party friends, forewarned of his selection, could attend at the polls in full force (Burke, 1002).

Under the provision by which the voter might vote at any poll in the parish (county), it was easy to have the Republicans (especially those who were negroes) vote—for instance, in a parish of ten polls—at Nos. 1, 3, 5, 7; and when they had thus concentrated their votes at these polls to create some pretended or real disturbance at the other polls, and then to claim, because there were no Republican votes polled at these other polls, that such disturbances had prevented a free election there, and therefore to exclude such polls, whereby all the Republican vote concentrated at the selected polls would be preserved, while the vote excluded would be mainly Democratic votes. And this became a very common and barefaced performance under this law (Burke, 1002).

Beyond this, the control given to the supervisors of registration enabled them falsely to swell the registry of their party, so that whenever the vote of the party fell short of this registry, it could be claimed that there had been intimidation to drive off their voters.

It is always difficult to prevent a party in power from doing or permitting some wrongs at an election; but the extraordinary powers given to the election and returning officers in Louisiana, of course, added greatly to the opportunity for such wrongs.

#### THE COLOR-LINE PRETENSE.

The Republicans began early by assuming that the color-line divided the politics of the state, and in 1870 it substantially did. A few white men had obtained control of the political machinery, and partly through sympathy and promises, partly by organization, and partly by threats, they held the negroes in a complete control. But gradually their mismanagement of the state created such disappointment and distress that some of the negroes—few at first, and gradually more—upon local questions and issues in the beginning, and later upon state questions and issues, decided to leave the Republican party and vote with its opponents. The Republicans, on the other hand, for the same cause, received no accession from the whites. So marked had this defection of the colored people become that at the election of 1874 (after Kellogg was seated as governor, through an order of Judge Durell, for which he was subsequently presented for impeachment) a very considerable portion of the blacks had voted with the whites, and in the examination of that election the committee of this House, in the Forty-third Congress, reported that the state had undoubtedly gone for the Conservatives, because the number of white and black voters in the state being equal, and a considerable portion of the blacks having, for the reasons mentioned, voted with the Democrats, and none of the whites having voted with the Republicans, it was unavoidable that the Conservative candidates had received a majority of the votes (43d Cong., 2d sess., Rep. 261).

As illustrating how entirely all the whites of the state had then become united by "carpet-bag" rule against those who had administered it, that committee called attention to the fact that no witness had "succeeded in naming in any parish five white Republicans who supported the Kellogg government, who were not themselves office-holders, or related to office-holders, or those having official employment" (Ibid. Rep. 101).

This report of the committee of the Forty-third Congress was fatal to the control of the state by the Republicans under the conditions existing, and thereupon the Republicans adroitly set about a new census. In that new census they made it appear that there were twenty-five thousand more adult colored people in the state than adult whites (Burke, 1000-2, 1017).

#### THE FALSE CENSUS.

That this was a fraudulent return of the number of colored adults cannot be doubted. The Federal census of 1870, which had never been questioned for its accuracy, made the number of adults of the two races in the state just about equal; and all the causes which should have varied this relation had operated, as was stated by the committee of the Forty-third Congress, rather for the increase of whites than the blacks (43d Cong., 2d sess., Rep. 261).



Of the adult blacks in the state 24,300 were returned from the parish of Orleans alone. How utterly fraudulent this return was appears from the census itself, which returned 56,641 men, women and children as the entire colored population of that city, which, on the usual proportion of five persons to each voter, should have given 11,629 as the colored voters in that parish. Whereas, this census returned 24,300 as the number of adult males in that parish (Burke, 1001).

No such proportion as that pretended by this census ever existed in Louisiana or any other of the United States—not even in the remote Western states, where the collection of miners leads to a large excess of males beyond their normal proportion.

#### THE FRAUDULENT REGISTRATION.

Nevertheless, the registration for 1876 was made up by the registrars on that basis. The Conservatives pointed out and made proof of 9,800 cases of double or otherwise false registration in New Orleans alone. But no correction was made by Kellogg's officials in this respect. On the contrary, some five thousand whites were excluded improperly, and the Republicans went into the next canvass with an apparent but false registration of over twenty-two thousand more colored voters in the state than existed (Gauthreaux, 1052, 1058).

Kellogg had the appointment of the supervisors of registration and of their clerks and other election officers. The law required that the supervisors should reside in the parishes for which they were appointed. But this law was disregarded, and absolute strangers to the parish, without character or responsibility—mere political creatures, like Anderson—were appointed as supervisors of some of the most important parishes. Some twenty of the supervisors of registration held positions in the custom house, post-office or police force of New Orleans; several of them were under indictment or fugitives from justice. In some cases the commissions of the registrars and their clerks were issued in blank, and given to the Republican candidate of the district to fill in his own appointees.

From the nature of the office men of the best character should have been selected to perform its duties, but the effort seems instead to have been to select the most pliant and despicable political tools for the place. None but such men could have been expected to carry out the instructions they received, which, in effect, promised recognition and preferment as the reward of successful fraud.

#### ORGANIZED REPUBLICAN FRAUD.

These instructions were issued to all the supervisors directly by the Republican party. We give a copy of one of them. The italics are ours (Edgeworth, 1074-5):

HEADQUARTERS REPUBLICAN PARTY OF LOUISIANA,  
ROOMS JOINT COMMITTEE ON CANVASSING AND REGISTRATION,  
Mechanics' Institute, New Orleans, September 25, 1876. }

*To Supervisor of Registration, Parish of Plaquemines:*

DEAR SIR: It is well known to this committee, from examination of the census of 1875, that the Republican vote in your parish is 3,000, and the Republican majority is 2200.

You are expected to register and vote the full strength of the Republican party in your parish.

Your recognition by the next state administration will depend upon your doing your full duty in the premises, and you will not be held to have done your full duty unless the Republican registration in your parish reaches 3,000, and the Republican vote is at least 3,000.

All local candidates and committees are directed to aid you to the utmost in obtaining this result, and every facility is and will be afforded you; *but you must obtain the results called for herein without fail.*

Once obtained, your recognition will be ample and generous.

Very respectfully, your obedient servant,

D. J. M. A. JEWETT, Secretary.

By "the Republican vote" shown by "the census" was meant the colored vote, and the direction by these party leaders to sworn officials "to register and to vote a majority according to the census," and to return a Republican vote equal to the number of colored adults in the parish, when it was well known a large portion of that race had already abandoned the party, has, so far as we are aware, not been equaled in infamy in any state in the Union.

#### THE RESULT OF THE ELECTION.

But so it was that, notwithstanding all these preparations and frauds, the number of votes actually cast at the election of 1876 was 160,964, being the largest vote ever cast in the state, and exceeding by 16,071 the number of votes cast at any previous election; and exceeding in proportion to the population the entire vote of the Union. And the returns, as made and forwarded by the Republican election officers to the returning board, disclosed a majority of 6405 for the Tilden electors, and were unaccompanied by a single protest, except one against Republican fraud in Concordia parish (Burke, 1008).

#### USURPATION BY THE RETURNING BOARD.

The returning board had, therefore, no lawful power except to canvass, compile, and promulgate the votes returned to it. Bad as was the law authorizing the returning board, it had not contemplated their control over any return in a case where no protest accompanied it.

They had attempted this in 1874, and their action had been declared by a committee of this House, composed of Messrs. Hoar, Wheeler, and Frye, to be unlawful. "Upon this statute we are all clearly of opinion," said these gentlemen, "that the returning board had no right to do anything except to canvass and compile the returns which were lawfully made to them by the local officers, except in cases where they were accompanied by the certificate of the supervisor or commissioner provided in the third section. In such cases the last sentence of that section shows that it was expected that they would ordinarily exercise the grave and delicate duty of investigating charges of riot, tumult, bribery or corruption on a hearing of the parties interested in the office. It never could have been meant that this board, of its own motion, sitting in New Orleans, at a distance from the place of voting, and without notice, could decide the right of persons claiming to be elected" (43d Cong., 2d sess., Rep. 261, minority).

But it was a necessity of the political situation that Louisiana should be carried for the Republicans. Had the vote of this state not been necessary to elect a Republican President, the power that was assumed to count it for Hayes would not have been usurped. But it was known that the men composing the board were capable of anything that was to their interest, and that when a plan was devised by which they could usurp power successfully they would use it.

#### ITS PARTISAN COMPOSITION.

It was, therefore, from the first, given out among the politicians that the returns were of no consequence, and that the returning board would count the state for Hayes. Accordingly, when the board assembled, they began by refusing to fill the vacancy in their number by a Democrat, although the law provided that the board should consist of persons from all political parties, and sat throughout a partisan board, composed of Republicans only, a non-compliance with the law which had occurred for a short time in 1874 and was condemned by the committee of the Forty-third Congress (Tribune Pam. 12, Pitkin dispatch; Burke, 1005; Jewett, 1270; 43d Cong., 2d sess.; Rep. 101).

In utter contempt of law and this opinion, the board refused all applications to put a Democrat into the board, and then proceeded to sit in judgment upon the returns (Palmer, 1084-6).

#### THE INTIMIDATION CHEAT.

A large portion of the people of the United States have come to believe that such intimidation existed in Louisiana as prevented a fair Republican vote, and that this afforded an equitable offset to any fraud by the returning board, and this belief is the basis upon which Republican rule stands. It has been reiterated by nearly every journal and assented to by every politician in the land who profited by that rule. There were circumstances that made it seem plausible; and these circumstances, together with the wish to believe it, have convinced a large part of the Republican party that it really existed.

This belief is based upon the assumption, to use the words of Mr. Sherman and the visiting statesmen, in their report to the President, "that if left free to vote, uninfluenced by violence or intimidation, the blacks would be almost unanimously Republican." But the assumption itself was entirely unwarranted by the facts (Ex. Doc., No. 2, 44th Congress).

#### NEGROES DISSATISFIED WITH REPUBLICANS.

Prior to 1876 the distress in the state had induced many negroes to leave the Republican party. This had been recognized by the committee of the Forty-third Congress, and was so patent that the Republican members of the legislature whom the returning board had counted in, were, upon the recommendation of the gentlemen of that committee, unseated, and their places given to Conservatives. The same dissatisfaction among the colored population continued. Nothing was more inevitable than the ignorant men, whose votes had been procured by the promise of farms, of mules, and of general prosperity, when they found that year after year, that they got neither farms nor mules, and that instead of general prosperity taxes grew heavier, and wages smaller, and the opportunities for employment less, should be dissatisfied even with the party they supposed had secured their freedom (43d Cong., 2d sess., Rep. 261; Wheeler Comp. Report).

Beyond that the negroes attached great importance to maintaining schools, and in the negro parishes the school moneys had gone into the hands of irresponsible and abandoned persons, and had been stolen outright, or squandered without good result. The negroes were, therefore, then in a condition more than ever favorable to the acceptance of overtures from the Democrats (Wickliffe, La., 548; Powell, La., 550; Leake, 555; Morrison Report).

#### AND PROPITIATED BY THE DEMOCRATS.

The Democrats accordingly made the most determined efforts to propitiate them. They employed many colored preachers and leaders, and had them stumping the negro parishes. They realized that to secure these parishes was to carry the state. They therefore adopted the most conciliatory action to that end. Governor Nicholls himself made a journey into these parishes to assure the negroes of the fullest protection and equality under the law. Indeed, as Mr. Sypher admits, the white Democrats, in their promises to the negroes of equality—in theatres, hotels, street-cars, and in other social relations—outstripped the Republicans (Powell, 550; Leake, 554; Burke, 1004; Roberts, 898; Sypher, 816).

In trouble, the negroes still looked to their old masters for aid. And when a planter got up a club of citizens of both colors, and presided at its meetings, with his former slaves on each side of him as vice-presidents, and appealed to the negroes to join the Democrats against the state and local abuse, on the ground of their own interest, it was not strange that they should do so; and so we find them crowding to Democratic meetings with their wives and children, and carrying banners in the Democratic processions, "hallooing" louder than any white man" (Wickliffe, 548).

Where the leaders of the colored race go the masses generally and perhaps thoughtlessly follow. When, therefore, the Democrats had secured the leading negroes it was to be expected that, with the aid of barbecues and music, of promises and conciliation, the rest should be induced to follow them.

#### DEMOCRATS COULD GAIN NOTHING BY INTIMIDATION.

On the other hand, the Democrats had absolutely nothing to gain by intimidation, for the returning board had been established on purpose to annul votes so secured, and provide for votes so prevented. They knew by experience how reckless and desperate the board was. They knew, also, that this recklessness and desperation had been the subject of Congressional rebuke, so that they might hope for relief if they afforded no pretext for its arbitrary action.

It will be remembered that the board was composed of the same white members in 1876 as in 1874, and that the committee of the Forty-third Congress had reported, that in 1874, in the parish of Rapids, in which Wells, the president of the board, resided, there was really no disturbance nor any dispute about the result; and yet that upon a secret affidavit by Wells, as to occurrences in the parish upon the day of election, when he was not there at all, the board had thrown out the whole vote of the parish, and thereby seated four Republican members of the legislature, who had not claimed to be elected, and who were subsequently, upon the recommendation of the Con-



gressional committee, unseated; and that the action of Wells had been denounced by that committee (43d Cong., 2d sess., Rep. 101).

The Democrats, therefore, well knew that it was intended by the returning board to count them out upon the slightest evidence of intimidation, and their effort throughout was to avoid not only any provocation, but any pretense for such a charge (Burke, 1004).

#### PRETEXTS FOR RETURNING BOARD USURPATION.

It was necessary that the returning board should have a pretext for assuming control of the votes cast in cases where the law had not given it; and this pretext was to be found, first, in protests by supervisors of registration made after the returns had been received, fraudulently pretending a condition of things which made it unsafe to make protests with their returns; second, some form of testimony to give color to the assertions in these protests.

The first step, then, necessary to secure a reversal of the popular will by the returning board, was to obtain from the supervisors a declaration that some unfairness had taken place in the parishes intended to be disputed. Without this the board would have had nothing to act upon; while the supervisors, uncommitted by any writing, might at any time have declared the real truth.

As it became known that the Presidential election would depend upon Louisiana, the pressure became greater, and supervisors who had witnessed and declared to a perfectly free, full and peaceable registration and election, were constrained by party persuasion and promises, to make false and fraudulent protests; and they were encouraged by like influences "to stand firm" to their protests after they had been made.

#### THE FALSE PROTESTS—ANDERSON-WEBER.

The two most important officials for this purpose were James E. Anderson, the supervisor of East Feliciana, and Don A. Weber, the supervisor of West Feliciana.

Anderson was a stranger, an adventurer and a rascal. His education had been that of a sensational newspaper reporter; his position, when selected as supervisor, that of one of Kellogg's creatures in the Custom-house. He was a notorious liar and vagabond before appointed to be supervisor of a county as large as the state of Rhode Island, to which he was an utter stranger. Finding that the Republicans could not carry the parish, he got up a story that his life was in danger, procured himself be shot at, and fled. An examination disclosed the story to be a humbug and a fraud. The people of the parish then called upon Kellogg to provide them a new registrar. He promised that Anderson should be sent back, and publicly ordered him to go back, and furnished him with a little money to do so, but caused it to be privately suggested to him that no election was wanted in that parish, and that he was not to return. Indeed, he had him threatened with arrest if he did return. The Democrats, conscious they had secured a majority of the voters in the parish, and anxious to have an election, then hired Anderson to go back, and secretly ran him out of the reach of Kellogg's police (Anderson, 6-7; Wedge, La., 128; Lyons, La., 80-1; McVea, La., 85-9; Patton, La., 278-9; Burke, 1004).

Anderson arrived in the parish two days before the election, having been gone for ten days, and by his absence shut out from registration about five hundred Democratic votes (Patton, La., 279; Lyons, La., 81; McVea, La., 87).

The election having passed off without complaint he signed the returns of the election, only insisting upon being paid the amount to which he was by law entitled for his services as registrar, and declared, as did T. C. Jenks, who accompanied him, that everything in the parish had been perfectly free and fair in all respects (Wedge, La., 130; Jenks' aff., La., 89).

Weber was a native creole. He and his brother Emile had for years been the managing Republicans of the district. They and their families were the only white Republicans there. They worked in couples and controlled all the offices and exercised all the power there. Don Weber, when the election was over, openly declared that it had been in every respect fair and free, and furnished no ground for protest, and he signed the return without protest (Weber, 590-4; Powell, La., 551; Leake, La., 556).

#### THEIR CREDIBILITY.

As these two supervisors subsequently made protests, and as the contest in the state largely turned upon these two parishes, it was a necessity that their evidence should be taken, if it could be had; and Don Weber having died in the meantime, it became a necessity that his brother and partner in politics should be examined in his stead. Both Emile Weber and Anderson had sworn before previous committees; both had sworn to stories the reverse of what they testified to before us.

Under the circumstances the evidence of neither was entitled to any consideration, except such as resulted from its corroboration by credible testimony and known facts and circumstances; and we have given it no other.

#### ANDERSON'S STORY.

The story which Anderson tells is, that there was a Republican conspiracy to prevent Republican votes being cast in the Felicianas, and thereby to afford a pretext for rejecting the vote of those parishes, in which there was a large *bona fide* Democratic majority; and that the registration and election in both parishes had been perfectly fair and free; that, upon arriving at New Orleans, he was urged to protest his parish; that he resisted on the ground that there was no foundation for such a protest; that, under pressure, he prepared a paper, which Judge Campbell, the counsel for the Republican party directing such matters, declared to be worthless; that thereupon, at the request of Pitkin, the United States marshal, Campbell prepared an effective protest for him to sign; that Campbell was subsequently sent for to come and take the verification of this protest; that he then refused to verify it, but that he then signed it and left it with Pitkin, with the important parts of it not filled up; that he subsequently called on Pitkin to reclaim it, who refused to give it to him; that thereupon he began making complaint, and the Republican leaders used their influence to keep him quiet; and, finally, that he went with Weber, who had also made a false protest, to Moreau's restaurant, where they met Sherman; and that they received from him satisfactory assurances of reward for letting their protests stand, which assurances they determined the following day to have in writing, and thereupon sent Mr. Sherman a letter to that effect, to which he returned a satisfactory reply (Anderson, 27; Anderson, 2-12).

## ITS CORROBORATION.

As matter of fact, it certainly appears—

That Anderson left East Feliciana without pretending that any ground for protest against the election existed, and that none did exist; that he arrived at New Orleans and again declared that he had no ground for protest; that, upon Pitkin's request, he prepared a statement which, both Pitkin and Campbell tell us, was rejected as worthless; that Campbell then prepared, as they both tell us, a protest proper in substance and form, and sent it to Anderson; that Campbell did then call at Pitkin's office, having been sent for to take Anderson's verification, and found Anderson in high discussion, declaring that the matters stated in that protest were not true, and that he could not attest it; and that Campbell then, without taking his affidavit to it, withdrew; that Anderson, having signed it, subsequently left it with Pitkin, and the next day tried to reclaim it; that Pitkin, having forwarded it to Packard, instead of procuring its return, saw fit to take offense at Anderson's manner, and turn him out of his office; that shortly after Pitkin told Campbell of Anderson's attempt to get back his protest, and that he wanted assurances of reward for letting it stand (Wedge, La., 140; Burke, 1007; Jewett, 1300; Pitkin, 401; Campbell, 434-6; Pitkin, 402; Campbell, 444-5).

That Weber left home declaring there were no grounds for any protest, and that the election had been fair and free; that after getting to New Orleans he was induced to make a protest; that the protest, as he made it, was wholly insufficient, and was subsequently forged by alterations and additions; that he stated he had been induced to make it by promises of reward from Republican leaders; that both he and Anderson did go together to Moreau's, and there met Sherman; and that within a few days after Anderson showed a sealed letter, which he said contained what would take care of him; and that Weber showed his friends a letter, which, in reply to a request by him and Anderson for written assurances of reward for letting their protest stand, gave such assurances in the name of Mr. Sherman; and that the conspiracy to falsely protest and count out the parishes of East and West Feliciana is substantiated by credible witnesses and undisputed facts and circumstances wholly independent of the evidence of either Anderson or Weber's brother Emile (Powell, La., 551; Leake, La., 555-6; Reynolds, La., 292; Duncan, La., 316; Wickliffe, La., 548-9; Kennard, La., 593; Weber, 590; Sherman, 765; Anderson, 12; Sypher, 753; Burke, 1007; Gauthreaux, 1060).

## PROTESTS SECURED AGAINST OTHER PARISHES.

Other supervisors who had witnessed and certified to free, full and fair elections in their parishes, were prevailed upon to make these supplemental charges against the election. One of these—Kelley, of Richland parish—has told us how great was the pressure and desperate the means employed to procure them. Under these protests votes were rejected upon various pretexts; but the negro parishes—the Felicianas, Ouachita, Baton Rouge and Morehouse—were those in which the Democrats had made the greatest gains, and from which, therefore, the most Democratic votes were rejected (Jewett, 1424-1427; Kelley, La., 171-181).

## EX PARTE AFFIDAVITS.

The returning board having thus secured the necessary false and fraudulent protests, proceeded upon the examination and *ex parte* affidavits which they permitted to be brought in, to hear allegations in respect of those parishes where it was important to exclude the vote in order to reverse the will of the people and count the state for Hayes (Ret. B'd., pro. Gauthreaux, 1059; Burke, 1005-6; Morey, 826-8).

*Ex parte* statements of apprehension from intimidation can always be procured in every community. These are daily occurrences—some personal quarrel, some drunken brawl in the street, some row in a bar-room, some social party blustering in their cups, some fellow swaggering or joking in the country store—which furnish color for pretending to be alarmed. The most trifling assault, the commonest personal difficulty, the smallest act of violence, no matter what their origin, nor how absolutely disconnected with politics, can thus be made to appear as the result of political action. Besides, nothing is easier than to get up disturbances, to promote rows, and to procure white men to purposely threaten negroes; nothing easier than to pervert the effort of the people to protect their own property and defend themselves against marauders into organized movements for party intimidation.

Once have it settled that the election of a President, with all the enormous patronage and power connected with that office, depend upon *ex parte* affidavits of this kind, and they will be forthcoming in any community.

## REPUBLICAN ADVANTAGES.

In this contest the administration party had every advantage; they had the control of a class of ignorant and reckless negroes; they had numbers of deputy marshals to send into the parishes for the witnesses; they had the local machinery there with which to collect them; they had the funds with which to bring them personally to New Orleans; they had the visiting statesmen to fortify them with their assurances; and they had, besides, the advantage of making the first statement.

Of course, it was very difficult to meet these charges as they were produced. A man can tell more lies in an hour than can be disproved in a day. The Democrats were compelled to send to the parishes to ascertain what were the charges referred to, and to find persons acquainted with the facts to furnish the proofs to contradict these charges. In many cases the affidavits were produced before the returning board at so late a day that it was almost impossible to show in due time the groundlessness of the charges (Burke, 1095-6).

By great diligence the Democrats did succeed in fully answering them. That they should have been able to do so completely and so quickly meet the false charges against the conduct of the election, can only be explained on the theory that there did prevail throughout the state a free, full, fair and peaceable election, and that all pretenses to the contrary were unfounded (McDonald, Rep).

## THE FELICIANA CONSPIRACY.

As the purpose of the Democrats was to propitiate the negro vote, their attention was especially directed to the parishes which had the greatest excess of negro population, and it turned out after the election that their efforts had been successful. In the five principal negro parishes, instead of



the Republicans having a majority of 3979, as had been the case in 1874, the Democrats had a majority of 3504. That this was likely to be the result had become apparent before the election, and the importance of excluding the votes of these parishes thus became evident. This was especially the case with East Feliciana, where the efforts at propitiating the Republican colored vote had been most successful. Kellogg hoped to secure this result there by having no election held at all. That would have enabled the Republicans to claim that East Feliciana was a Republican parish and would have given a Republican majority, and that the ruffianly Democrats had, by driving away the virtuous Anderson, prevented that result. This scheme was actually carried out in Grant parish, where the board excluded the returns from the whole parish made by the other election officers (539 Democratic votes), because the supervisor absented himself during the election. In East Feliciana it was only defeated by the determination of the Democrats to have an election, and by their hiring Anderson to go back (Anderson, 6-7, La., 80-17, 85-9, 128, 278-9; Burke, 1004).

This was reported to Kellogg and required a change of programme (Anderson letter, 27).

Accordingly, it was suggested by some scoundrel — Anderson claims the credit of it — that since they were in such a great minority the Republicans should withhold their votes entirely, and then claim the absence of Republican votes as evidence that Republicans had not been permitted to vote, and as thus proving the extent of the intimidation.

Thereupon, the leaders of the party gave out privately that no Republicans need vote; that "there was no use going to the polls at all," and "not to come out to the polls;" that "it was all a farce to vote;" "the programme was to have no ticket, so as to have the parish thrown out," and the like. This direction was disseminated everywhere throughout the parish, and men were on hand on election day to give the necessary cue to the Republican negroes, who are exceedingly adroit at appreciating such suggestions. No Republican tickets were printed or distributed, and Republicans stood around the pools resisting the solicitation of the Democrats to vote Republican tickets, which the Democrats wrote out for and offered them (Patton, La., 1280; McWilliams, La., 139; Harrison, La., 146; Wedge, La., 129; DeGray, La., 129; DeLee, La., 141; Lanier, La., 143).

This is beyond peradventure. It has been testified to by many citizens of the most respectable character — colored and white — and no one of the persons charged with the thing has come forward to deny it. It was understood that in pursuance of the direction from "below" (New Orleans), no Republican should cast his vote, and it was intended by thus withholding votes that the claim of intimidation should be set up and the parish excluded. This plan was carried out in East Feliciana perfectly.

When the election was over neither the United States supervisors of the election nor the military officers in charge of the troops there, nor any human being of all the Republican officials in those two parishes, made any pretense whatever that the election had not been perfectly fair and free. The telegrams and reports to the Republican official organs in New Orleans announced the same fact day after day. Anderson, the supervisor of East Feliciana, and Weber, the supervisor of West Feliciana, left their parishes declaring the freedom and fairness of the election, and that there was not the slightest ground for protest; and neither of them accompanied the returns they forwarded with any protest whatever (Tel., 698; Wedge, La., 130; Jenks' Aff., La., 90; Leaks, La., 555; Powell, La., 550; Kennard, La., 598).

#### THIS CONSPIRACY CONFIRMED.

The conspiracy thus testified to and uncontradicted is confirmed by every known fact and circumstance.

By the census of 1870 there were in East Feliciana 2810 adult males, of whom 1986 were colored and 824 white. In 1874 the total vote cast was 2525, of which 1688 were Republican and 847 Democratic, showing that a portion of the colored people then voted with the whites. In 1876 the vote was 1746 registered, and about 472 unregistered; total, 2218 Democratic and none Republican (Tel., 698).

By the census of 1870 West Feliciana contained 2210 male citizens, of which 1876 were colored and 344 white. In 1874 the whole number of votes were 1859, of which 1358 were Republican and 501 Democratic, showing that some 200 of the colored voters voted the Democratic ticket. In 1876 West Feliciana gave 1248 Democratic and 778 Republican votes, being a total of 2026 votes.

So that the votes cast in West Feliciana in 1876 actually exceeded those of preceding years, while in East Feliciana the Democratic votes alone were nearly up to the whole vote of both parties in 1874, and had not the Republican vote been purposely withheld, the aggregate vote in that parish would also have exceeded that of any previous year.

These facts of themselves show that the Democrats had a clear majority in both parishes, and that it was their certain interest to do nothing which would afford color for excluding the vote there. They are so inconsistent with the pretended terrorism among the colored people as to be destructive of any theory of a state of intimidation in those parishes at that election.

Indeed, the total absence of any Republican vote in this great parish itself indicated by its very completeness of purpose to withhold such votes, not the fear of casting them.

#### ALLEGED INTIMIDATION IMPOSSIBLE.

The history of the state has shown that in so vast a territory, garrisoned by Federal troops, with a large body of Republican officials, and the black population in a great majority, such a state of terrorism as to prevent the casting of one Republican vote, even those of the Republican officials themselves, was an impossibility. There never has been another instance in the state of a parish in which no Republican votes were cast. And yet, so far from East Feliciana being one of the disturbed parishes, this was the first time it had been claimed there had not been a free and fair election there. Nor was it even then claimed that the election had not been entirely peaceable, but only that because of certain former disturbances, what Mr. Parker called "a state of intimidation" prevailed. But these disturbances had taken place several months before, and were connected with a movement under Powers, a prominent Republican, to suppress cotton-seed thefts, and were not political; and experience has shown such disturbances do not materially effect the party vote; still less argue a state of things which would not permit the depositing of even a single one of such votes (Parker, 733).

#### AGAINST THE INTEREST OF DEMOCRATS.

It is true that the hostility of the Democrats to Kellogg's and Packard's rule was great. The

state has been oppressed and demoralized by that rule for years. So much had the people suffered from it that they would have preferred military rule to its continuance (Palmer, 1090).

But their conduct must be judged by the motives which usually govern men under such circumstances. They knew the whites were united against Kellogg. They knew also that every year the accession from the colored people had been increasing, and they justly expected to be joined by enough of them to overcome all the frauds of registration and of election officers, provided, but provided always, they did nothing to repel the colored voters, nor to afford the returning board a pretense for rejecting Democratic polls. That after having persuaded two-thirds of the negroes in the parish to join them they should then have established such a reign of terror as prevented every single Republican, white and black, from voting is to assume the existence of conduct as impossible as it would have been insane.

#### AND UNSUPPORTED AND DISPROVED.

If 500 square miles of territory were in a state of such terrorism the fact must needs have been as patent as if it had snowed upon election day, and yet of all the persons in that parish, the returning board only collected twenty-two to state any instance of intimidation connected with the election of 1876. Of these, the foremost witnesses were James E. Anderson and Thomas C. Jenks; both subsequently retracted under oath all they then said and confessed the conspiracy which existed; and no one would receive the evidence of either unsupported. This testimony was overwhelmingly contradicted and negated at the time; 1196 witnesses appeared to contradict the allegations of these affidavits, and to establish that the election in East Feliciana had been perfectly peaceable, free and fair (44th Cong., Ex. Doc. 2, 17, 20; Anderson, 8; Jenks, La., 90).

It is so easy to suppress truth, to distort facts, and to mislead witnesses, especially when ignorant, or stupid, or reckless, that *ex parte* testimony is rarely entitled to much weight. It was a common thing for these East Feliciana affidavits to state as ground for excluding the parish, that no Republican tickets were permitted at the polls. That was true, but it was the Republicans who would not permit them. And, coming as these returning board affidavits did, from Republican camp-followers and negroes, they were of hardly any value at all; and, in view of the controlling facts and probabilities and circumstances of the case, never deserved consideration.

#### RETURNING BOARD AFFIDAVITS.

In Louisiana the crowd of ignorant and thoughtless negroes summoned from their labor by United States marshals and brought for the first time in their lives to a great city, were marched through the crowded streets past cordons of police and platoons of troops into the great government building, where they were brought face to face with an army of clerks and stenographers and officials, and all the machinery of a great state. Ushered at last into some inner room, and there engaged in a conversation, in which they supplied some of the answers, and the persons standing around supplied more, they might, when dismissed, well be expected, even if they had conscientious scruples about the business, to make their marks where told. Those who deal with persons who do not read and write, know how readily they affix their marks to receipts or any papers connected with business when told to do so, because those by whom they are told know so much better than they do what is to be done. It is curious and instructive to hear the accounts of the negroes who made affidavits for the returning board of the process by which their evidence was manufactured (Nolan, La., 581-6; Norphliss, La., 495; Green, La., 512; Amy Mitchell, La., 474, 480; Thornton, La., 527; Lagadie, La., 530-2; Armistead, La., 298; Duncan, La., 308, 311, 315).

They were brought down from the country and placed before a clerk, when the general process would be something like this: They would be asked if they knew of certain disturbances in their parishes; if they answered they did not, some one of the bystanders would say, Why, he was the man who was killed behind the corn crib at such a plantation by such a person; then the negro witness would answer, yes, I heard of him, but never heard about that; then another one of the bystanders would give the details, and presently, when the affidavit is finished, we have the witness' story, stated partly upon his own knowledge and partly upon information and belief, of a first-class outrage of which he knew nothing, and of which he perhaps never had heard before, and to this he makes his mark, is sworn, and receives his fees, and returns to the field from which he was brought.

Of the witnesses in Feliciana whom Mr. Sherman desired to have called fifteen have appeared before us; of these, thirteen have retracted their testimony to violence as given to the returning board. The statements of the other two witnesses, Dula and Swayze, were made under suspicious circumstances, even if they had not been in conflict with all the known and established facts.

#### WORTHLESSNESS OF THIS TESTIMONY.

It was claimed by Dula that Weber, after he had testified before this committee, desired to be supported in his statements by the negroes of his vicinage, whose leader he had been, and to that end was engaged in persuading and bribing them to take back their testimony before the returning board.

Dula's statement was that he had been paid fifty dollars and was to be paid more for testifying as Weber desired. He was a man of notoriously bad character; and the fact that Kellogg's agent, Kennedy, had just before gone down to New Orleans to arrange with Dula and Swayze, and the manner in which his testimony was given, satisfies us his story was an imposition which had been put up to deceive the committee (Kennedy, 1117, 1118).

But even if it were true that the Feliciana negroes were so utterly reckless as to what they testified, and followed the Webers for favor or for pay upon whichever side they swore, it only establishes how utterly worthless their testimony originally was, and upon what a wretched and deceptive foundation all this pretense of intimidation was based.

#### OBJECT OF THE INTIMIDATION PRETENSE.

And yet it was this trick in East Feliciana which virtually settled the Presidential contest. It was not that the people had confidence in the Louisiana returning board, nor that they doubted the proved rascality of Wells and Anderson, but it was because—ignorant of the full vote which had been cast in the state; of the efforts that had been made to propitiate the negroes; and of the frauds to which the Kellogg government was competent; and supposing that the color-line still



strictly divided parties—they accepted the fact that not a single Republican vote was cast in East Feliciana as conclusive evidence of a terrorism which constituted an equitable offset to all the frauds of canvassing and returning boards, and justified the seating of Mr. Hayes.

As in East Feliciana, so in the other negro parishes the same claim of intimidation was made, supported by the same class of witnesses, and in the same *ex parte* and dangerous way; and though fully disproved and in direct conflict with the fairness of the vote, and with all the known facts and circumstances, the claim of intimidation was nevertheless allowed, and so much of the vote of these parishes as was necessary rejected. And the board so managed it as to reject 1010 votes in West Feliciana; 1736 in East Baton Rouge; 1517 in Ouachita—in all 5706 votes; while rejecting but 259 Republican votes; add yet 49 witnesses to intimidation in West Feliciana were contradicted by 527 witnesses; 51 in Ouachita by 727 witnesses; and 63 in East Baton Rouge by 457 witnesses; and 26 in East Feliciana by 1196 witnesses (p. 1468; see evidence reported in Sherman & McDonald's Report).

The same deception is, as we believe, now being assiduously kept up to control the next election. The administration foment disturbances, then misrepresents them; then has its press to magnify them; and under the assumption that the blacks, if let alone, would all vote the Republican ticket, is preparing, by like pretenses, to claim and control the next election.

#### OUTRAGEOUS INJUSTICE OF RETURNING BOARD.

Throughout, the action of the board was partisan, arbitrary, and flagrantly unjust. For illustration: In Orleans one return showed 297 or 299 Democratic votes; because the last figure was so made that it could not certainly be said whether it was meant for a 7 or 9 they rejected the whole poll (Ret. B'd Pro. 63).

In Vernon they changed the returns by adding to them 176 Republican votes and subtracting from the Democrats 178 votes (Danford, 750; Ret. B'd Pro. 113).

In Iberia, where the Republican election officers omitted to write "voted" upon the registration certificate of the first hundred voters, they rejected the whole poll—322 Democratic and 11 Republican votes—although there was no pretense the vote was wrong (Ex. Doc. 2, 73-74; Burke's Stat., 14; Ex. Doc. 2, 88).

In Concordia and Natchitoches they counted 1854 votes not appearing on the returns, and which by the rule applied to Democratic parishes, should not have been counted (Burke's St., 29; Burke, 1003).

In De Soto they accepted protests and returns which had evidently been inserted in the packages after they were mailed (Ret. Bd. Pro., 54; Gauthreaux, 1059; Jewitt, 1442).

#### THEIR GENERAL MISCONDUCT.

And generally they were guilty of every arbitrary, unjust, and outrageous act practicable (Burke, 1005-6; Trumbull, 855, 867).

After sitting for twelve days they succeeded in excluding enough of the votes returned to give the state to the Hayes electors and to Packard as governor. In the progress of their session it turned out that, by reason of an error in printing, two of the electors on the Hayes ticket had run some fifteen hundred votes behind the rest of the electors, so that it became a necessity that fifteen hundred more votes should be excluded, in order to count in those two electors, than would otherwise have been necessary. But the board was equal to the occasion, and secured the desired result. (Palmer, 1087-8; Gauthreaux, 1057, 1059; Morey, 826-8; Jewitt, 1452).

The returning board closed their sessions at two o'clock on Saturday afternoon, December 2d, having before them over forty-five hundred pages of manuscript testimony, which at the rapid rate of a page a minute, and taking ten hours a day, would have required two weeks to read; and on December 5th their decision was announced. But before they met Pitkin telegraphed: "Louisiana is safe; our Northern friends stand firmly by us; the returning board will hold its own." Indeed, their decision was never in doubt. It is true that Wells appears to have been for sale, but his price and its payment seems to have been the only doubt attending the result; and for corrupt influence money competes poorly with office, the latter being the much more safe, successful, and respectable form of bribery (Gauthreaux's calculation, 1064; Wharton, 1230; Maddox, 1212).

#### THE CHECK ON RETURNING BOARD INIQUITY.

The power to control the result of the election in Louisiana rested with the returning board which assumed discretionary revisory power over the returns.

For the ordinary abuse of discretionary power there is no remedy. But those who are intrusted with discretion are prevented from very flagrant and violent abuse of it by the influence and the indignation of the people whom they outrage.

For illustration, take the case of a Presidential elector. By law he is intrusted with absolute discretion over his vote, and it was intended that he should cast it exactly for whom he saw fit. But, under our system, he has come impliedly and most positively pledged to cast his vote for the candidate of the party by which he is elected. At the late election if an elector clearly chosen for Hayes were to have cast his vote for Tilden, he would have brought upon himself an outburst of public indignation such as no man could withstand. This was exactly the situation of the returning board. Assuming that they had the large discretion which the Republicans claimed for them, the Democrats would have been powerless against ordinary abuses; but there were stretches of power so flagrant and outrageous that no man would have dared to commit them without some potent external support.

#### THIS CHECK REMOVED.

It was at this point, and to supply this need, that the influence of the Federal administration came in. For the first time in the history of the country the President requested leading members of his party personally to attend the counting of votes in states upon which the Presidential election depended. They went there, charged with a semi-official character. They had rights, as Mr. Parker thinks, no other visitors possessed. They were there (as Mr. Brady, the assistant post-master-general, testifies) "to represent the President, and to say to the witnesses that the Republican party and the authorities at Washington would stand by them. In short, to furnish those who did the swearing and the counting with the necessary support—physical, political, and moral—

to "enable them to make a fair count;" which, considering the Democrats had a majority of the votes to be counted, was in effect the support necessary to enable the canvassers, under the pretext of a fair count, to count in the Republicans and to count out those really elected (Parker, 711).

No one at all familiar with Louisiana will believe that even the desperate and abandoned men who control the returning board would have ventured to so outrage the community in which they lived as to count the state for the Republicans but for the presence and encouragement of these visitors. That "moral support," as the visitors called it, "and the tone which they gave to the proceedings," and the protection which Federal bayonets afforded, were the real cause of the returning board's action. Indeed, Packard had received 2366 more votes in the state than the Hayes' electors, and yet the moment it was announced that the Federal government was about to withdraw its troops, the government he had established faded like the mist, and the control of the state passed without a struggle into the hands of the Democrats.

So that in Louisiana, as in Florida, we have this anomaly: The wish of the voters was recognized by the state and disregarded by the Federal government. The same ballots by which Democratic governors were elected were used to count out a Democratic and count in a Republican President.

#### THE VISITING STATESMEN.

The visiting statesmen arrived in New Orleans about the 15th of November and remained until December 2d, when the returning board went into secret session.

They declined the proposition of the Democrats for a canvass of the votes cast and returned. A committee of them attended the sittings of the returning board daily, and by their favor and countenance assured its members of the support of the administration and of the Republican party in their action (44th Cong., 2d sess., Ex. Doc. No. 2, 31-3).

It does not seem to have been thought wise to inform these visitors, except generally, of what was taking place. Mr. Morey, one of the leading counsel for the Republicans, has testified that the local Republican managers early satisfied the visitors that they were competent to attend to the interest of the party in Louisiana themselves, and that thereafter they did not think it necessary to consult the visitors about details. Undoubtedly many of these gentlemen were shrewdly left in ignorance of what was going on (Morey, 851).

Gentlemen from the North, unacquainted with Louisiana, and, like Mr. Parker, stopping at the hotel where they heard only the assertions of the local Republican politicians and the *ex parte* affidavits manufactured for the returning board, might possibly have misunderstood the real situation. But those who mingled at all with the people could hardly have escaped better knowledge. For instance, Mr. Sherman has insisted that Don Weber was a hero, killed for doing his duty in West Feliciana; but General Sheldon admits Weber was known to be for sale, and it reached even General Garfield's ears that Weber was not to be trusted. Those who read Emile Weber's letter, written upon his brother's death—now confessed, by him to be wholly false—may realize the hollowness of the pretense to fire the Northern heart, which contact with the negroes themselves did not always dispel (Parker, 732-3; Sherman, 755; Sheldon, 1285; Garfield, 798; Weber, 596-9).

For instance, General Garfield saw the negroes from West Feliciana himself. In an upper room in the great government building in New Orleans, guarded by police and attendants, these West Feliciana negroes who followed the Webers were brought down and ushered into the general's imposing presence. That they should then have adhered to the affidavits which had just been made for them is not surprising. As Amy Mitchell testifies: "What they told me to say I just said it, but I did not know it. I didn't say because I knew it, but I said because they told me; because I was scared." But of the whole number he saw, including this woman, who impressed him most, all that have been brought before the committee have, without hesitation, recanted what they told me (Garfield, 799, 801; Amy Mitchell, La., 474).

Others of the visiting statesmen were even more active in their participation in the action of the local officials. The country is indebted to Gen. Harry White, of Pennsylvania, for the suggestion which brought Mrs. Eliza Pinkston from the interior and exploited her with her wounds exposed on a sofa before the returning board. But it was indeed rarely that the visitors could suggest anything to supplement the resources of the local managers (Morey, 818, 822).

#### THE LOCAL LEADERS

The Republican party in Louisiana contained very few white persons—just enough to hold the offices, with their families and connections. The experience of the Congressional committee of 1875, who could not find five white persons who were not opposed to the Kellogg government, outside of office-holders, or those connected with them or with the government in some way, shows the substantial condition of things there. These white officials received very large salaries. Louisiana had always been a state that paid its public officers extravagantly. They were fully aware that the election turned on Louisiana, and that without its vote they would all go out of power. They clung, therefore, desperately to the chance which the discretion of the returning board afforded, and were naturally ready to do anything that men under such circumstances could do to give it color for its action; and they were very able, as well as very unscrupulous and desperate.

#### NECESSITY OF ADMINISTRATION SUPPORT.

But, desperate and unscrupulous as were Kellogg and Packard and their followers, they would never have succeeded in carrying through their scheme for counting out the majority, and counting in the minority, without the help of the national administration and of the Republican party; to effect that result the support of both was a necessity.

When later, after Hayes was declared elected, it was announced that the troops would be withdrawn, the whole Republican edifice in the state fell down in a night; and the returning board, unless they had been intrenched with troops and supported by the administration and the visiting statesmen, would never have dared to count some six thousand Tilden majority into a majority of three thousand for Hayes.

#### THE SEATING OF HAYES.

The alleged arrangement by which opposition in the House of Representatives to counting in Mr. Hayes was placated by assurances that the people of South Carolina and Louisiana should be allowed to recover the right to direct their own affairs, forms an instructive chapter in the events



of the Presidential election which we will not discuss (Burke, 601-81, 976-8; Morey, 841; Roberts, 880).

Of course, either Packard, with twenty-three hundred more votes than Hayes, was elected, or Hayes was not; and the action of Hayes and his friends, both by their negotiations to secure him title and by their abandonment of Packard's title, manifest their convictions that neither Hayes nor Packard had been elected.

#### MR. SHERMAN'S OFFER OF TESTIMONY.

In June last an application was made to us by Mr. Sherman to take the testimony of some ninety witnesses in East and West Feliciana who had previously testified before the returning board or Senate committee of the Forty-fourth Congress to murders, whippings and violence, and whose testimony had there been contradicted. It is not clear that such evidence could have any bearing upon the action of the returning board or the conspiracy in these parishes to prevent votes being cast. To call witnesses to a matter as to which they did not testify before that board could in no way establish the good faith of the board in dealing with the evidence they had before them (p. 1905).

Nevertheless, we consented to receive this testimony, partly because we desired to give Mr. Sherman the benefit of any doubt as to its propriety, and partly because of the difference between the laws of Louisiana and those of the other states in respect of the canvass of votes (p. 1102).

In Florida the law made no provision for going behind the ballots to ascertain the wishes of the people. There the election was to be determined by the votes cast, not by those the people wanted to, but did not cast. While in Florida, therefore, it seemed to us improper to go into the question of the intention of voters, we thought that in view of the provisions of the law of Louisiana for considering the intention of the voters, there might be some ground for such an inquiry there.

#### THE TESTIMONY NOT PRODUCED.

Accordingly, on the 20th of July we notified Mr. Sherman's counsel that we would receive the testimony proposed. He replied that owing to the lateness of the season it had been decided to adopt a line of investigation omitting intimidation. The sub-committee left New Orleans on the 25th of July, and shortly after the yellow fever became epidemic. In December Mr. Sherman's counsel claimed that it was the presence of the yellow fever which had prevented their taking this testimony in the previous summer (p. 1102, Sub-Com. Rep. 1468).

It will be seen by his answer at the time that that was not the ground then taken for refusing to produce it; nor was there any reason why, even if the yellow fever was then expected, that the committee could not have withdrawn to the parishes and there safely have taken the testimony; and the claim that Mr. Sherman had been prevented from introducing this testimony seemed to the committee unfounded. Nevertheless, we again consented to take the testimony. Objection was then made that the witnesses could not safely be brought to New Orleans, and we then consented to go to the parishes to take it. This opportunity to take the testimony was also declined, on the ground that the witnesses could not safely testify at all under the condition of things growing out of the last election in Louisiana (p. 1102; Sub-Com. Rep. 1468; Ray, 1470).

Inasmuch as they were being called at the time to testify before the Senate committee, then in Louisiana, where they would be as much exposed by testifying as before the House committee, and as this committee had already called a considerable number of the very witnesses desired by Mr. Sherman, and as at the last election there was no Republican ticket and the witnesses only had choice between different Democratic candidates, it is difficult to see what ground there was for this assertion, which appeared to us to be part of the pretense which proposed to call witnesses who were really not desired.

#### THE SHERMAN LETTER.

Mr. Sherman was the chief of the visiting statesmen in Louisiana. The election in that state turned mainly upon the parishes of East and West Feliciana (Sherman, 763).

The supervisors of those parishes called upon him one evening at Moreau's restaurant, as he collects "indistinctly." They had a conversation with him and left. A letter has been referred to as having been afterwards written by him to them. Mr. Sherman has testified: "I do not believe I ever wrote that letter. At the same time there are things in this letter that I would have written to these or any other men who were engaged in the performance of what I believed to be their duty, if I had been asked." If that was so, his position in regard of what occurred would seem to be defined by the letter, whether he wrote it or whether he did not (Sherman, 765; Sherman, 17).

Very considerable evidence has been taken as to the existence of this letter, and the press has been largely engaged in discussing it. It is entirely certain that a letter of the kind did exist, by whomsoever signed.

Weber left his parish declaring that the election had been fair; that there was no ground for protest, and returned stating that he had made a protest; that he was constrained to do it, and that he had received assurances of reward for doing so. This is established by gentlemen of character and credibility, and is not attempted to be disputed. Beyond that, at a time corresponding with the date of this letter, he called upon his friend, Mr. Sypher, long one of the Republican Congressmen from Louisiana, and showed him a letter, purporting to be signed by Mr. Sherman, of the character of the letter referred to, and which Mr. Sypher believed to be, as Weber represented it to be, an original letter from Mr. Sherman (Weber, 590-4; Powell, La., 551; Leake, La., 556; Sypher, 753).

General Sheldon tells us both Weber and Anderson were considered as for sale; and that Anderson was demanding promises of reward for permitting his protest to stand, we learn from such other Republican managers as Pitkin and Campbell. It is equally certain that Anderson thought that he had received the assurances he sought. He says that they wrote to Sherman a letter asking for written assurances of the fulfillment of the promises they had had, and gave it to Weber to take. It was a reply to this letter, by whomever signed, that Weber showed to Sypher; for this reply acknowledges the receipt of the letter that Anderson and Weber had written, and establishes of itself that there must have been a letter asking for assurances received by the person who prepared the reply which Weber showed Sypher. It is, therefore, certain that Weber and Anderson joined in a letter to Sherman demanding assurances for permitting his protest to stand, and that

they received a reply to that letter purporting to be signed by Sherman (Sheldon, 1284; Weber, 593; Anderson, 11; Agnes Jenks, 324; Sypher, 753; Weber, 593).

Emile L. Weber says that he found this Sherman letter among his brother's papers and destroyed it. Mrs. Jenks says that Weber gave to her, to take to Sherman, his and Anderson's letter demanding written assurances; that Weber then told her that they had already received verbal assurances and wished written ones; that she thought that they ought not to demand this, but be satisfied with the word of a Republican of Sherman's standing; and that in her zeal for the Republican party she suppressed Weber and Anderson's letter, and herself caused a reply to be prepared and signed for Sherman by a local politician, whose name she declined to give, and took this, as Sherman's answer, back to Weber and Anderson, and this was the letter on which he and Anderson acted (Weber, 593; Agnes Jenks, 322, 344, 378).

It is certain, from Anderson's action as well as from Weber's, that they regarded this letter as an original signed by Sherman, and that when later Anderson found himself without any such reward as he thought he was entitled to, he at once set about pursuit of it, and his conduct shows that he really believed that it not only existed but was genuine.

#### REPUBLICAN BELIEF IN IT.

Certain circumstances indicate a belief upon the part of those concerned in it that it was genuine.

It was rumored among the leading Republicans in Louisiana that such a letter existed; that Weber had been killed to obtain it, and a story then set on foot that he had been killed by the Democrats. Kellogg and Packard, Darrell and Stanley Matthews, all acted upon the assumption that such a letter existed, and Mrs. Jenks sought it diligently. Senator Matthews was cited before the committee, but refused to appear. We cannot say that on the whole we respect him the less for his reticence.

It is evident from Mr. Sherman's first examination, that he apprehended that he might have written the letter and forgotten it, and the efforts that have been made to mislead the public and the committee about it have strengthened their conviction of this apprehension.

#### EFFORTS TO MISLEAD THE COMMITTEE.

On the 4th of September Mr. Sherman declared to the press that he believed the "roundsmen" of the committee were about to produce a forged letter as his and publish it with a view of affecting the October elections. As the committee had adjourned, not to meet until after the October elections; as they had no "roundsmen," nor had heard of such a letter, this naturally excited suspicion. Various letters purporting to be from persons who claimed to have formerly been in Mr. Sherman's employment, but who could not be traced, were then sent to the committee offering to produce his original letter. When no attention was paid to all this, Mrs. Jenks began, just before the October election, dropping in the streets of New Orleans a packet containing what was intended to pass for the original letter. This packet having been returned to her by those passing at the time, she finally succeeded in leaving it unnoticed in a carpet shop in New Orleans. In its make-up, and the papers inclosed, it had all the evidence of being her property, and of having been casually lost, and of containing the original Sherman letter that she had so much sought for (*Tribune*, Sept. 5, 1878, p. 1467; Bickford, 1300; p. 1127; Raymond, 1121; Lloyd, 1123; Raymond, 1118, 1125).

This was not a joke; the purpose was to have the committee produce this letter as if the original letter, and when they had committed themselves to it to have the forgery certainly exposed by having those who made it show when and where it had been forged, and thus lead to the impression that no genuine letter had ever existed (Maloney, 1126).

This forged paper was not the letter which Weber showed to Sypher. That letter was written upon two pages of note paper, this forged letter upon one page of letter paper. That was written in a bad hand, difficult to decipher, as is Mr. Sherman's writing; this was written in a plain and round hand, obviously not intended for him, but to which an imitation of his signature was attached. It was to serve as a decoy; and it is difficult to see why anyone should want to set on foot such a decoy who did not believe such an original letter did exist or had existed (Sypher, 755; Anderson, 13).

In view of her relations to the Treasury Department, in which her brother was appointed after she testified in Washington, and by which her husband has been employed since her testimony, it is submitted that this attempt to impose a letter upon the committee was not without purpose and for the benefit of those by whom she subsists, and with whom she sympathized, and whom she has, as she says, before attempted to serve (T. H. Jenks, 583; T. C. Anderson, 570; Shellabarger, 786; Hahn, 1130).

By whomsoever signed with Mr. Sherman's name, the letter which Weber received, he and Anderson, after the interview at Moreau's, accepted and acted upon as genuine, and the only importance that attaches to its genuineness is whether Mr. Sherman actually did give in writing the assurances which he says he might well have given, but was careful not to express.

#### CONNIVANCE AT RETURNING BOARD FRAUD.

How far the controlling visiting statesmen like Mr. Sherman really believed there was any justification for the rejection of Democratic votes by the returning board, men will never agree. We are apt to believe in the right of what we earnestly desire. Men who thought the welfare of the country depended upon the continuation in power of the Republican party, would naturally have been disposed to consider almost anything justified to retain it there. To us it seems impossible that the flagrant and atrocious conduct of the returning board was not realized above all by the men of most political experience, or that the most dangerous and outrageous political fraud of the age was not assisted and advised by those who next proceeded to take possession of its best fruits.



# LIST OF PERSONS CONNECTED WITH THE CANVASS OR ELECTION OR NEGOTIATIONS IN LOUISIANA IN 1876, SUBSEQUENTLY APPOINTED TO, OR RETAINED, IN OFFICE:

## CONNECTED WITH THE RETURNING BOARD.

<i>Names.</i>	<i>Employment 1876.</i>	<i>Office.</i>
J. Madison Wells	President Returning Board.	Surveyor Port N. O.
Thos. C. Anderson	Member Returning Board.	Deputy Col. Port N. O.
S. M. Kenner	" " "	Deputy Naval officer.
G. Cassanave	" " "	Brother of U. S. Store-keeper, N. O.
Chas. A. Vernon	Secretary Returning Board.	Insp'r Custom House.
Chas. S. Abell	" " "	" " "
York A. Woodward	Clerk of Returning Board.	Clerk Custom House.
W. H. Green	" " "	" " "
P. P. Blanchard	" " "	" " "
G. R. Davis	" " "	" " "
Charles Hill	" " "	" " "
Geo. Grindley	" " "	" " "
John Ray	Counsel of Returning Board.	Spec. Agt. Treas. Dep.
A. C. Wells	Son of J. Madison Wells.	Spec. Dep. Surv'r N. O.
T. A. Woolfley	Affidavit taker.	U. S. Commissioner.
R. M. J. Kenner	Brother Returning Board Kenner.	Clerk Naval Office.

## STATE OFFICERS AND MANAGERS.

Michael Hahn	State Registrar.	Superintendent Mint.
James P. McArdle	State Registrar's Clerk.	Custom House.
W. P. Kellogg	Governor	U. S. Senate.
S. B. Packard	Candidate for Governor.	Consul to Liverpool.
Geo. L. Smith	Candidate for Congress.	Collector New Orleans.
James Lewis	Police Comm'r New Orleans.	Naval Office.
Jack Wharton	Adjutant-General Louisiana.	U. S. Marshal.
A. S. Badger	General of State Militia.	Postmaster N. O.
D. J. M. A. Jewett	Secretary Republican Com.	Insp'r Custom House.
H. J. Campbell	Chief of Affidavit Factory.	U. S. Att'y, Wyoming.
H. Conquest Clarke	Kellogg's Secretary.	Clerk Int. Rev.
N. F. Loan	Chief of Police.	Clerk Internal Rev.
W. L. McMahan	"	Pension Agent, N. O.

## ELECTORS.

William P. Kellogg	Elector at Large.	U. S. Senator.
J. Henri Burch	" "	State Senator.
Peter Joseph	" "	Clerk Custom House.
Lionel A. Sheldon	" "	Mr. Sherman's counsel.
Morris Marks	" "	Collector Int. Rev.
A. B. Levisse	" "	Spec. Agt. Treasury.
O. H. Brewster	" "	Surveyor-General.

## SUPERVISORS AND PERSONS CONNECTED WITH THE ELECTION.

James P. McArdle	State Registrar's Clerk.	Custom House.
Michael Hahn	State Registrar.	Supt. of Mint.
M. J. Grady	Supervisor at Ouachita.	Dept. Col. Int. Rev.
John K. Dinkgrave	Manager at Ouachita.	Legislature.
H. C. Attwood	"	U. S. Marshal.
W. R. Hardy	District Attorney.	Insp'r Custom House.
Henry Smith	Sheriff of East Feliciana.	Custom House.
Samuel Chapman	"	"
James E. Anderson	Supervisor of East Feliciana.	Consul Funchal
A. H. Ferguson	Supervisor at De Soto.	Custom House.
M. H. Twitchell	Supervisor Claiborne.	Consul Kingston.
J. E. Scott	" Rapides	Post Office.
B. W. Woodruff	" St. Tammany.	"
Victor Gradias	Rep. Manager Grant Parish.	Tax Collector N. O.
A. J. Brien	" 2d ward N. O.	Insp'r Custom House.
Patrick Creagh	" 3d "	Chief Laborer.
R. C. Howard	" 4th "	Clerk Custom House.
J. C. Pinckler	" 5th "	" " "
W. J. Moore	" 7th "	" " "
Thomas Leon	" 8th "	" " "
H. C. Bartlett	" 9th "	" " "
T. H. Rowan	" 10th "	" " "
A. W. Kempton	Comm'r 11th "	Boatman Custom House.
L. Backus	Manager 11th "	Police " "
Napoleon Underwood	Supervisor 12th "	Inspector. " "
P. J. Maloney	" 14th "	Custom House.
W. F. Loan	" 15th "	Chief of Police.

## VISITING STATESMEN.

John Sherman.....	Secretary of Treasury.
John M. Harlan.....	Justice Sup. Court.
Stanley Matthews.....	Senator from Ohio.
James A. Garfield.....	Admin'n Can. Speaker.
Eugene Hale.....	Offered P. M. General.
Edwin W. Stoughton.....	Minister to Russia.
Wm. D. Kelley.....	Member of Congress.
Jno. A. Kasson.....	Minister to Austria.
J. R. Hawley.....	Commissioner to Paris.
John Coburn.....	Comm'r Hot Springs.

## COUNSEL BEFORE THE ELECTORAL COMMISSION.

Wm. M. Evarts.....	Secretary of State.
Sam'l Shellabarger.....	Messrs. Hayes and Sherman's private counsel.

## III.

## THE FORGED ELECTORAL CERTIFICATES.

The electors thus declared chosen, except Levissee and Brewster, met in the State House, in the city of New Orleans, at noon on the 6th day of December, 1876. Both Levissee and Brewster, at the time of the election, held offices under the Federal government—Levissee as United States commissioner, and Brewster as surveyor-general, which, it was feared, rendered them ineligible as electors. They did not, therefore, attend the first meeting. The other members thereupon proceeded to cloose them respectively to fill the vacancies occasioned by their own non-appearance, for having since the election resigned their offices, they were considered then eligible as electors. Levissee and Brewster being sent for, attended, and the electors then proceeded to vote for President and Vice-President by ballot. This they did, as Levissee states—and no different version has been offered to your committee—by each elector taking a slip of paper on which was written, "For President, Rutherford B. Hayes; for Vice-President, William A. Wheeler; folding such slip, indorsing it with his name, and openly depositing the paper in a hat (Levissee, pp. 98 and 751).

## THE FIRST SET OF CERTIFICATES.

The electors, having thus disregarded the provisions of the Constitution, which require them to vote for President and Vice-President by distinct ballots, proceeded to sign, in triplicate, a certificate of the votes cast, which included in one list or certificate both the votes for President and Vice-President; and also a process verbal or recital, of their proceedings, including an authority to Thomas C. Anderson to carry to Washington one of these certificates (Levissee, p. 93).

Kellogg, as governor, caused to be delivered to these electors, as required by law (R. S., sec. 139), three certificates, stating that they were duly chosen as electors, and one of these certificates by the governor was annexed to each of the triplicate certificates, which the electors signed (pp. 266, 636).

The electoral certificates were then enveloped and sealed up by H. Conquest Clarke, Governor Kellogg's secretary, and upon each of these envelopes a certificate was indorsed, as required by law (R. S., sec. 132), stating that it contained a list of all the votes for President and Vice-President; but the electors omitted to sign any of these certificates (Ferry, 133).

Of these triplicate papers, one was mailed on the 9th of December to the president of the Senate, one was filed by Clarke with the judge of the United States district court, and one was handed (by him or Kellogg), on the 21st of December, to Anderson to take to Washington (Clarke, p. 259).

## THESE CERTIFICATES REJECTED.

Anderson arrived in Washington on Christmas eve, the 24th of December. On Christmas morning he waited upon Mr. Ferry, the president of the Senate, and presented to him the package he had brought. Mr. Ferry called his attention to the fact that the paper did not have the indorsement which the statute required, and Anderson says that thereupon he returned to his hotel and opened the envelope and examined the paper within, in the hope of finding the indorsement there; and then, although accompanied by ladies, without the rest of another night, returned immediately with the papers to New Orleans (Anderson, 539; p. 540).

Anderson reached New Orleans on the morning of Thursday, the 28th of December, and took the papers to Kellogg, at his office at the State House, and informed him that the president of the Senate had said that the returns were not in form, and that a new one must be prepared. Kellogg thereupon sent for Clarke, his secretary, and gave him directions to confer with Anderson and prepare such new certificates; and Clarke, learning from Anderson that the defect was that the electors had made one list of votes cast for President and Vice-President instead of two distinct lists, proceeded to rectify it, and he at once went to the Republican printing office and gave there, in person, the directions for the changes necessary for the new electoral certificates (p. 541; Kellogg, 674; Clarke, p. 258).

## THE NEW CERTIFICATES.

The following are copies of the electoral certificate executed on the 6th of December and of the electoral certificate prepared by Clarke's direction upon the 28th of December for execution, but antedated as if of the 6th of that month:



## ELECTORS' LIST OF DECEMBER 6.

THE UNITED STATES OF AMERICA,  
STATE OF LOUISIANA, STATE HOUSE,  
New Orleans, December 6, 1876. }

We, the electors of President and Vice-President of the United States for the state of Louisiana, do hereby certify that on this the sixth day of December, in the year of our Lord one thousand eight hundred and seventy-six, we proceeded to vote by ballot for President of the United States on the date above; that Rutherford B. Hayes, of the state of Ohio, received eight votes for President of the United States, being all the votes cast, and that we then immediately proceeded to vote by ballot for Vice-President of the United States, whereupon William A. Wheeler, of the state of New York, received eight votes for Vice-President of the United States, being all the votes cast.

In testimony whereof, we, said electors, have hereunto signed our names, on this the first Wednesday, being the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, and of the Independence of the United States the one hundred and first.

WILLIAM P. KELLOGG.  
J. HENRI BURCH.  
PETER JOSEPH.  
LIONEL A. SHELDON.  
MORRIS MARKS.  
AARON B. LEVISEE.  
ORLANDO H. BREWSTER.  
OSCAR JOFFRION.

## CLARKE'S ELECTORAL LIST, PRINTED DECEMBER 28.

THE UNITED STATES OF AMERICA,  
STATE OF [Seal] LOUISIANA, STATE HOUSE,  
New Orleans, December 6, 1876. }

We, the electors of President and Vice-President of the United States for the state of Louisiana, do hereby certify that on this day, Wednesday, the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, we proceeded to vote by ballot for President of the United States, whereupon Rutherford B. Hayes, of the state of Ohio, received eight votes for President of the United States, being all the votes cast.

In testimony whereof, we, said electors, have hereunto signed our names, on this the first Wednesday, being the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, and of the Independence of the United States the one hundred and first.

WM. P. KELLOGG.  
J. HENRI BURCH.  
PETER JOSEPH.  
LIONEL A. SHELDON.  
MORRIS MARKS.  
AARON B. LEVISEE.  
ORLANDO H. BREWSTER.  
OSCAR JOFFRION.

THE UNITED STATES OF AMERICA,  
STATE OF LOUISIANA, STATE HOUSE,  
New Orleans, December 6, 1876. }

We, the electors of President and Vice-President of the United States for the state of Louisiana, do hereby certify that on this day, Wednesday, the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, we proceeded to vote by ballot for Vice-President of the United States, whereupon William A. Wheeler, of the state of New York, received eight votes for Vice-President of the United States, being all the votes cast.

In testimony whereof, we, said electors, have hereunto signed our names, on this the first Wednesday, being the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, and of the Independence of the United States the one hundred and first.

WILLIAM P. KELLOGG.  
J. HENRI BURCH.  
PETER JOSEPH.  
LIONEL A. SHELDON.  
MORRIS MARKS.  
AARON B. LEVISEE.  
ORLANDO H. BREWSTER.  
OSCAR JOFFRION.

It will thus be seen that the electoral certificate taken back by Anderson was a statement of the votes cast both for President and Vice-President, certified in a *single paper*, whereas the twelfth article of the Constitution, *which in this respect changed the Constitution from the original provision of the second article*, required that the electors should not only vote in *distinct* ballots for President and Vice-President, but that they should make "*distinct* lists of all persons voted for as President and for all persons voted for as Vice-President," which distinct lists "they were to sign and certify," so that the electoral certificates made on the 6th of December were open to objection as failing to comply with this precise and positive provision of the Constitution.

This defect was avoided in the new electoral lists, which were prepared as distinct. That is, there was a separate certificate to be signed by all the electors, stating the votes cast for President, and another distinct certificate, also to be separately signed by the electors, stating the votes cast for Vice-President; and both these distinct certificates by the electors were to be used in place of the original single certificate which reported the votes cast for both officers.

Anderson does not recollect that he consulted or spoke with any one about the sufficiency of the electoral certificate he took to Washington before he brought it back to Kellogg, but supposes he may have done so. He certainly did not notify him or any one of the defect by telegraph. But not to have consulted any one in Washington about it would have been a very unlikely course to take

in a matter of such importance, and upon which, as Ferry told him, the Presidential election depended. And as Anderson on his return told Clarke that "friends in Washington thought that instead of the names for President and Vice-President being on one sheet they should be on two sheets," and notified Sheldon what the real defect was: he doubtless had consulted his "friends" here about it (Anderson, 540, 541; Clarke, 258; Kellogg, 673; Sheldon, 1576).

Clarke further states that the form of the electoral certificate made on the 6th of December was only adopted after much consultation and advice of counsel. That in a matter of such gravity he should at once, and without consulting with any one, have proceeded to discard that form and to adopt, instead of one, two distinct certificates, shows also that this course must have been advised by friends whom Brewster "supposed to be some of our leading men;" friends, indeed, of controlling prominence (Clarke, 260; Brewster, 255).

As the law (R. S., 140) required that the certificate should reach Washington by the first Wednesday of January (January 3, 1877), it was imperative that the new certificates should leave New Orleans not later than the afternoon of the following day, Friday, December 29 (Sheldon, 1275).

#### SO PRINTED AS TO MISLEAD.

Pressing as was the haste, Clarke, curiously enough, found time to have the new electoral lists printed upon sheets of a peculiar size, texture and appearance, and in a peculiar type, all corresponding in appearance exactly with the certificates of their appointment, furnished to the electors by the governor on the 6th of December, and to be dated that day, so that when annexed to the new electoral certificates, one looking at these certificates would naturally suppose that both the electors' and the attached governor's certificates were prepared and issued at the same time, instead of weeks apart (see original lists).

The deception thus intended would have been useless, and would not have been attempted, unless the parties had known in advance that they could possess themselves of certificates by the governor, dated December 6th. One of such certificates Clarke obtained, by detaching it from the electoral certificates of December 6 Anderson brought back from Washington, and annexing it to one of the electoral certificates prepared in triplicate on the 29th of December, but antedated to the 6th. For the other two parts of these later electoral certificates, he says he took like certificates by the governor, which had been left over since the 6th of December (Clarke, 268).

His story is, that Kellogg, finding that his certificates of who had been appointed electors had been filled out in a handwriting he did not like, ordered another set to be made out, and that thus there were duplicate governor's certificates of the 6th of December made, from which Clarke, after using those required for the electoral certificates of that date, had enough left over to answer for the new electoral lists of the 29th. Your committee have been unable to discover any such inferiority in the penmanship in the governor's certificates which Kellogg rejected as to require a new set to be prepared; nor has it been explained why, if the penmanship was so objectionable, Kellogg should have thought it necessary to be at the trouble not only of signing all the rejected certificates, but also of having his signature attested by the great seal of the state, and by the signature of the Secretary of State; nor why, after the well-written electoral certificates executed on the 6th of December were completed, it should have been thought necessary to preserve those rejected and unused governor's certificates (Clarke, 265).

But, whether the governor's certificates for the new electoral lists were made on the 29th of December, and falsely dated and certified by the Secretary of State to appear as if issued on the 6th of December, or whether they were "curiously" surplus certificates left over from the 6th of December, in either case Clarke was able to provide himself with certificates by the governor, dated December 6, to annex to the new electoral lists, so as to carry out the deception designed (Clarke, 261).

#### SECRETLY SIGNED.

The lists, being thus prepared for signature, were taken to a small room in the third story of the State House, "not at all frequented," where Clarke had them in charge, instead of being taken to his ordinary office adjoining the governor's chamber (Clarke, 259, 260).

No formal meeting of the electors was had, nor was any notice given that new lists were being prepared, but the whole proceeding was kept entirely secret among the parties concerned in its execution and their advisers.

On the following morning, Friday, December 29, Anderson proceeded, about eleven o'clock, to this upper room, where he found Clarke sitting at a table, and spread out before him were papers which seemed to be the electoral lists. He stated to Clarke that he was unable to again make the journey to Washington, and that some one must go in his place, and that it had been arranged that one Charles Hill, then an examiner in the auditor's office, and now a storekeeper in the custom-house, should be the messenger for that purpose; and he asked Clarke if the certificates would be ready to go that afternoon by the train to the north—which train left New Orleans about five o'clock. Clarke responded that they would be ready. Meantime, word had been sent out by Clarke to the different electors to come to the state building (Anderson, 544, 545).

Kellogg, Brewster, Sheldon, Burch, Joseph, and, perhaps, Marks, seem to have been at the State House during that day.

Kellogg swears he signed the certificates that day, but saw no one else sign them. Brewster, that he signed them, but saw no one else sign them. Marks, that he signed them, and saw Sheldon sign them; and saw Burch, and, he thinks, Joseph, in the room when he signed (Kellogg, 675; Brewster, 253, 255; Marks, La., 423).

Clarke says he saw Kellogg sign them, and that Kellogg signed first, and saw them signed by Brewster (Clarke, 262, 263, 271).

Sheldon says he saw Anderson on the morning of his return; was told of the defects in the first certificate and the necessity for a new set; and knew of the importance of their being sent forward at once. Knew Joffrion and Levisse to be out of town, and inquired of Kellogg if they would be there in time, and was told they had been sent for. Called the next morning on Kellogg, and asked if they had arrived, and was told by him they had; and then went with Kellogg upstairs to the private room; there saw Kellogg sign, Burch sign, Marks sign, and signed himself, but met no other of the electors that day at all (Sheldon, 274).

In the afternoon, about half-past three, Hill says Kellogg went with him from his chamber, in the executive office, upstairs to get the returns. There they found Clarke, but no one else whom he can now identify. Kellogg asked if Brewster had signed, and Clarke answered that Brewster



had not come yet. While they were waiting Brewster came in and signed the returns, and was the last who did sign them; then Clarke folded up the papers, put them in the envelopes, sealed them, and Kellogg took them down stairs to his office, accompanied by Hill, and there wrote something on them (probably his signature to the indorsement), and handed to Hill to take to Washington one of the triplicate parts, and gave him a letter directed in Anderson's writing, to Ferry (Hill, La., 50, 52; Hill, La., 50, 53).

Anderson states that, toward four o'clock of that day, he went up to this upper room and met Brewster coming out. Brewster stated that he had just signed the returns. Anderson entered and found Clarke there, and he thinks Hill, although as to that he is not positive. Anderson sat down at a desk in the room and wrote a letter to Ferry introducing Hill, and inclosed with it his authority as messenger, and handed it to Hill, and left the room (Anderson, 545).

Hill departed for Washington with his triplicate of the electoral certificates that afternoon. Clarke sent another triplicate by registered mail by the same train, and on the following day Clarke took the third set to the district judge and filed them there. These certificates purported to be signed by all the electors (Hill, La., 50; Clarke, 259).

#### TWO ELECTORS' SIGNATURES FORGED.

Levisse has testified that on the 28th and 29th of December he was himself many hundred miles from New Orleans, at Shreveport. He could not, therefore, be procured for the purpose of signing the new electoral lists, and did not sign them; and that the signature of his name appended to them is not his, but a tolerably well-imitated forgery (Levisse, 92, 96).

On the 9th day of June last one Thomas S. Kelly, who had formerly been a door keeper employed by Kellogg in his office, and who had general charge of it for four years under Clarke, and who had been reported as dead, wrote to the chairman stating that he was then living at Lake Providence, Louisiana; that he saw Jeffrion's and Levisse's names forged to the electoral certificates, and, if protected from being murdered, he would so testify (Kelly, La., 567).

Kelly was accordingly summoned before the sub-committee in New Orleans, but, on the day on which the subpoena reached him, one James D. Kennedy, an employee of the sergeant-at-arms of the Senate of the United States, where he had been appointed on the recommendation of Senator Kellogg, and who had obtained from the sergeant-at-arms, upon Kellogg's request, leave of absence, arrived at Lake Providence and took Kelly with him and carried him off to Cincinnati and thence, so that at the time your committee were not able to find him (Kelly, La., 569, 571; Kennedy, 1115; Kellogg, 681, 682).

After Kelly's letter had been proved, and his journey with Kennedy had been traced to Washington, and the facts published, he and Kennedy notified the committee they were ready to be called. They were not called at the time, but some months later, during all of which time, although poor as a "church mouse," having been brought to Washington by the money which Kennedy furnished him, with no baggage but a satchel, Kelly continued living at Washington, judging from his appearance, in luxury, doing nothing he would state (Kennedy, 1116, 1117).

He then reaffirmed the story which he had told in his letter, and declared that he knew that both Levisse's and Jeffrion's signatures were forged, because neither of them was in New Orleans on that day, and from the further fact that he saw Jeffrion's signature forged. He says that the forgery was executed by one D. P. Blanchard, then the executive clerk in Governor Kellogg's office, and chairman of the Executive Republican Committee. As Blanchard died after Kelly's letter to the chairman, and as Kelly wrote the letter because of his dissatisfaction at the conduct of Hayes and his administration, and as he had been for months cared for by the friends to whom Kennedy had brought him, your committee strongly suspect that this story was false, and was told because Blanchard was dead, and in order to divert attention from the persons who really committed the forgery (T. S. Kelly, 1135, 1147; T. S. Kelly, 1147, 1148; Jewett, 1440, 1448).

#### NECESSITY FOR FORGERY.

Since it was known when the second set of electoral certificates was prepared that the Presidential election turned upon one vote, it was essential that the certificates, if signed at all, should appear to be signed by all the electors. With six votes they would have been no more useful than with one, and as it was not known until Anderson returned that they would be needed, there was little time to get, from the interior of a state in which travel is so difficult as in Louisiana, the persons whose presence was requisite. It was natural, therefore, that some of these might not arrive in time. It was equally necessary that the certificates should leave on the 29th, so that their arrival could not be waited for. Jeffrion, Levisse and Marks all resided in the interior. Marks says he arrived in time, although there is much confusion about his story. Jeffrion and Levisse did not. It became, therefore, a necessity that if the new electoral certificates were to be of any use the names of the absentees should be forged to them. The resources of Kellogg's administration were equal to the occasion, and they were forged (Marks, La., 418, 420-6; Whitaker, La., 573; Douglass, La., 574).

As these papers consisted of distinct lists of the votes for President and of the votes for Vice-President separately certified, the signature of an elector was required to the set of papers nine times—once to the list of votes for President, once to the list of votes for Vice-President, and once for the indorsement upon the envelope reciting what the papers within were; and as the papers were prepared in triplicate these three signatures had to be three times repeated, thus making nine signatures for each elector, to say nothing of the signatures that may have been required to a new authority to a messenger to carry the electoral list to Washington if a new authority was executed.

And so it was that these papers thus prepared in the State House in New Orleans, under the direction of Kellogg and his secretary, were furnished in the afternoon of the 29th day of December, 1876, with from eighteen to twenty-seven forged signatures.

#### DELIVERY OF FORGED CERTIFICATES.

Two of the forged electoral certificates reached Washington on the first Wednesday of January, 1877, one by mail, the other by Hill as messenger. Upon his arrival Hill waited upon Mr. Zachariah Chandler, chairman of the Republican National Committee, to whom he brought a letter from Kellogg. He informed Chandler he had brought the returns, and was then directed to immediately deliver them to Mr. Ferry. He reached Mr. Ferry's office at the Capitol about four o'clock. Hill

informed Mr. Ferry what he brought. Mr. Ferry went out and called in Mr. John Sherman, and then, in Mr. Sherman's presence, Hill delivered his triplicate of the forged certificate to Ferry. Hill then went with Mr. Sherman to his committee-room, where Sherman wrote a letter to Kellogg, which he delivered, sealed, to Hill to take back. Hill then waited upon Mr. Frye and Mr. Hale, to whom he brought letters from Mr. Packard, and told them he had brought the returns, and then Mr. Frye told him to "hold the fort," and Mr. Hale "to stand firm" (Ferry, 140; Hill, La., 53; Hill, La., 567).

#### ATTEMPT TO SUPPRESS GENUINE CERTIFICATES.

The first intention of the parties was to suppress the genuine certificates of the 6th of December, and rely entirely upon the forged ones, which were regular in form. Clarke accordingly suppressed and retained the certificate which Anderson had taken to Washington, and an application was made to the district judge to withdraw from the files the triplicate of the genuine set which had been filed in his office, but this the district judge refused to permit, and the purpose in this respect was thereby defeated. Not only did neither the press nor any of the Democratic leaders learn that a second meeting of the Electoral College was to be held, or that the electoral certificate intrusted to Anderson had been returned to New Orleans, or that new ones were made, but the matter was, as Brewster styles it, "kept rather private;" so private that, although he was repeatedly sent for during the 29th to come to the governor's office, it was not even hinted to him why his presence was needed until he learned the reason from Clarke there. And the president of the Senate, Mr. Ferry, appears to have as carefully withheld from the Democrats in Washington, and indeed from everybody but two of the Republican managers, any knowledge that another set of certificates had been received from Louisiana (Clarke, 266; Devonshire, La., 61; Brewster, 252; Ferry, 147; Tucker; Hunton).

#### THE BURLESQUE CERTIFICATE AND ITS OBJECT.

When the two houses met in joint convention on the 12th of February, 1876, and the state of Louisiana was reached, the president of the Senate produced first the genuine Kellogg certificate, which had come to him by mail; next the McEnery certificate, which had come to him in duplicate, one copy by mail and the other by messenger; and next the forged Kellogg certificate, of which two copies, one by mail and the other by Hill as messenger, had reached him; and finally a certificate signed by John Smith, declaring that the vote of Louisiana had been cast for Peter Cooper. This bogus certificate the convention directed to be suppressed from its records, and no reference to it appears there. It is difficult to conceive why, for the first time in the history of the government, a false, an avowedly false certificate should have been sent in, in a case of all others so serious, and regarded so extremely unfit for play-acting, unless it was to draw attention from the forged Kellogg certificates, and to create a diversion which might withdraw from those certificates the scrutiny of the convention, and to create a certificate to which any rumors of a forgery in the electoral certificates from that state might naturally be ascribed. This suspicion is strengthened by the fact that this certificate cannot now be found, nor is any account given of what became of it, after it was returned by the tellers. It appears by the record kept of such certificates that it reached the president of the Senate on the 9th of January, 1877, six days after the delivery of the forged Louisiana certificates, time enough after that certificate was received to have telegraphed to Louisiana to have this burlesque paper prepared (Electoral Count, 205, 212; Moses, 1160-1; Ingalls; Allison).

#### THE FRAUD ON THE ELECTORAL COMMISSION.

All the certificates, except that of Smith, were sent before the Electoral Commission. There they were not read, but as the reading was about to begin, a motion was made that they be printed, and the secretary of the commission was thereupon directed to have them printed. It had been the practice of the secretary to send the original certificates to the public printer to be printed, by whom the certificates and printed copies were returned the following morning; and the printed copies were then distributed by the secretary or his deputy to the commission and the counsel. On this occasion, however, and on this occasion only, the certificates, instead of being sent to the public printer, were sent to a private printer, Mr. Pearson, who, instead of returning them the following morning to Mr. McKenney, the secretary, to be distributed, distributed them directly to the commission and the counsel by two of his press boys. This change of the printer and in the delivery of the prints of the certificates neither the commission nor the counsel seem to have been aware of (Electoral Count, 218; McKenney, 118, 121; Pearson, 567, 568).

Inasmuch as no notice was taken by the many counsel before the commission, nor by those in conference with them, nor by any of the members of the commission, nor by any of the two hundred Democratic members of the House and Senate, whose attention had been concentrated upon Louisiana, of the fact that the first electoral certificate from that state was so defective, the presumption would seem to be inevitable that the prints of the Louisiana-Kellogg certificates, which were distributed, must have been, not one copy each of the original defective certificate, and of the revised certificate with forged signatures, but, instead, two copies of the latter (Electoral Count, 212-16).

Such a substitution of the one print for the other might have happened by accident. But the attendant circumstances indicate that this change in the distribution of the prints was the result, not of accident, but of design.

The originals of the Louisiana certificates had been marked by the presiding judge with his initials, and with a number to distinguish them. That is, the first certificate of the Kellogg electors was marked "No. 1, N. C.;" the next, or Democratic certificate, was marked "No. 2, N. C.," and the forged certificate was marked "No. 3, N. C." But as printed, these distinguishing marks were omitted, and the prints were without any distinguishing marks, and the prints of the two Kellogg certificates were made exactly alike in external appearance, and their first pages (which contained the certificate of the governor as to who were the electors) were so set up as to be precisely alike, both in matter and in form, so that they might easily be mistaken one for the other, and that if the delivery of two copies of the forged but revised certificate, instead of one copy of that and one of the prior genuine but defective certificate should be discovered, the change could easily be accounted for as an accident.

Mr. Murphy, the stenographer of the Electoral Commission, tells us that he caused the printed



copies of the Louisiana electoral certificates to be marked "1," "2" and "3," but beyond taking care that Nos. "1" and "3" had Kellogg certificates as governor attached, he gave them no examination, so that he might as readily have marked two prints of No. "3" as prints of Nos. "1" and "3" with those numbers (Murphy 1141).

Besides, if the substitution in the delivery of one printed copy for the other had been by accident, some one of the commission, at least, would have received a print of the first Kellogg certificate, or have been left without a print of the McEnery certificates, and this would have led to remark.

Beyond this it is to be observed that while Kellogg knew of the forgery, and took great care to prevent the fact getting out, he yet let the Republican managers know that there was something wrong about the second set of certificates; and as there was nothing wrong on their face that wrong must have been in their execution. He says he told Morton that the second set was made after the law day, and must not be depended upon, and that the first set was all right, and to stand on that. But the "leading friends in Washington," who had declared on the 25th of December that the certificates first made on the law day were defective, and that separate ones must be prepared, knew, as soon as they saw the second set, that they were antedated. Kellogg's statement could not, therefore, have been meant to give Morton that information. But in whatever form given, whether by a word, a shrug, a look, or an inflection of the voice, even if Kellogg went no further, it would have served to give that astute manager to understand that while the new certificates were important for the commission to consider, it would never do to let them stand in the record, nor leave it to be thereafter discovered that the Presidential election depended upon them (Kellogg, 710-11).

#### THE FALSIFICATION OF THE RECORD.

Accordingly, before the Electoral Commission, Mr. Morton moved that the votes in certificate No. 1 (the objections to which, it will be observed, stated nothing as against the form of that certificate, and were doubtless drawn to apply to No. 3, and not to it), be counted, and limited his motion to certificate No. 1. And when, later, the record of the proceedings in Congress and before the Electoral Commission came to be made up, this formally correct but forged certificate was, in fact, wholly suppressed, while a second copy of the genuine but defective certificate was inserted in its place. That is, the record declares that there was before the Congress, and by it referred to the commission, and there considered, the Democratic certificate and the genuine but defective certificate of the Republican electors, and no others, the latter in duplicate, once by the name of No. 1, and later by the name of No. 3. Whereas, it is altogether certain that this was not the fact, and altogether probable that the prints which were before the Electoral Commission were a print of the Democratic certificate and two prints of the forged Republican certificate, and of these alone, and that nothing whatever was considered or acted upon by the commission or Congress but these, and that, instead of it being the fact, as these records state, that Congress and the commission had before them two prints of the genuine but defective, and no other Republican certificate, there was before them, and really considered by them, only two prints of the regular but forged—and of no other Republican—certificate, and that neither Congress nor the commission ever had an opportunity to or did consider the defects of the genuine certificate at all (Electoral Count, 420; Electoral Count, 205-7, 208-11; Pro. Electoral Com., 292).

#### NOT ACCIDENT, BUT DESIGN.

An attempt was made to explain this error in the record, on the ground that the printed copies of the certificates had become accidentally intermixed. Mr. McKenney says that when Mr. Murphy, the compiler of the volume known as "The Electoral Count," and stenographer of the commission, applied to him for copies of the Louisiana certificates, he took from each of the three pockets in which he had received the prints of these Republican certificates from the printer one print, and gave them to Mr. Murphy; and that when, the following year, he learned that a mistake had occurred, he went to these pockets and found that the certificates had become intermixed, different ones having gotten into the same pocket. Such a mistake might have happened accidentally once, although in setting up the type from such copies it would be almost unavoidable that attention should then have been called to it; but, unfortunately for the theory of mistake, there were two separate reports of the electoral proceedings printed: one, this book of "The Electoral Count," and the other the "Supplement to the Congressional Record," which was first prepared. Mr. McKenney made up the matter himself. Mr. Murphy did notice, in making up the matter for the Electoral Count, that the two Kellogg certificates, "1" and "3," were identical, and he took this as evidence of the correctness of the printer, supposing "1" and "3" to be duplicates of the same certificate. In both books precisely the same error occurs, and in both the revised but forged Louisiana Kellogg certificate is suppressed. The chances against this having occurred once by accident would be six to one; against its having occurred twice, thirty-six to one; quite independent of the additional improbability arising from such a mistake not having been noticed in the office of the public printer on either occasion, and having been discovered only after the forgery was known and this examination was instituted.

Whether the genuine electoral certificate from Louisiana was so fatally defective that its vote could not have been received, or not, the parties in interest were entitled to the judgment of the commission upon this, and that judgment they never had. Instead, the certificate which was passed upon of the votes for Hayes and Wheeler from Louisiana was a certificate made after the law day when the electors were *functi officio*, and therefore of no validity. But were this otherwise, it was still a forged certificate; whether of two or more electors is immaterial. As to two electors, at least, there never was before the commission for consideration any vote from Louisiana at all. So that, absolutely, Mr. Hayes was counted into office at most upon 183 votes, and the declaration of his election is the result of this imposition upon the commission and Congress, or, at least, upon those members who were not informed upon the subject of the two forged votes attached to a list perfect in form.

#### THE FORGERY KEPT SECRET.

So entirely secret was not only the forgery but the *post* execution of the second set of electoral certificates kept, that except to certain Republicans nothing was known of it until more than a year after the session. By accident the forgery of Levisse's name became known, and in the inquiry which followed we have only been able to learn what could be obtained from persons connected in some way with the forged certificates and open to suspicion of participation in or knowledge of that fraud.

Of these persons Kellogg became Senator of the United States, Burch remained Senator of Louisiana, Brewster surveyor-general, and Joseph captain of police; Conquest Clarke became first-class clerk in the Treasury Department, Hill storekeeper, and Anderson collector. And after this inquiry was begun, and the forgery became known, of the remaining persons naturally suspected of some connection with it, Marks was made collector of internal revenue, Levissee special treasury agent, and Sheldon counsel for Mr. Sherman. It is also significant that Howard, McKenney's deputy, was appointed to a place in the Post-Office Department on Senator Morton's recommendation. So long as Kelly kept silence no provision was made for him, but so soon as it was known that his dissatisfaction with Mr. Hayes' action had made him speak, he was conveyed to Washington by a Senate employee and cared for by friends unknown to the committee until he could testify that the forgeries were committed by a man who was dead (Kelly, La., 568).

Levissee's appointment was especially significant. Having, like Joffrion, been absent, he neither joined in nor knew of the second set of certificates or their forgery, and so had no claim to a place. But when, after the forgery became known, Kellogg denied that he had informed Levissee of the forgery during the sitting of the commission, and enjoined him not to speak of it, and Levissee was sent for to testify as to that, he failed to appear; and it turned out that he had in the meantime been appointed special agent of the treasury by Kellogg's procurement, and your committee have not since been able to secure his attendance (Kellogg, 711, 679-85; P. 1468; P. 785).

#### KELLOGG AND CLARKE PRIVY TO THE FORGERIES.

Of course these signatures did not forge themselves; nor would any person have committed so grave a crime, except under some strong inducement. There was nothing in the position either of Kelly, the negro doorkeeper, or of Blanchard, the executive clerk—the subordinates charged with this crime—to induce them of their own volition, without the knowledge or request of Kellogg, to stand for and forge the names of the absent electors. It is, besides, physically as well as morally impossible that these eighteen forgeries could have been committed without coming to the notice of Kellogg, who ordered and joined in, and Clarke, who was charged with the execution of the papers. Both knew Levissee and Joffrion were absent: both were necessarily anxious about their arrival, and neither could have escaped knowing of their entrance into the State House, then garrisoned.

Kellogg's guilty participation in the execution of this paper, upon which, as he testifies, Anderson told him Ferry said the presidential election depended, is manifested throughout—by his sending for the electors privately; by his secret conference with and direction to them as they arrived; by his false declaration to Sheldon, that Levissee and Joffrion had come; by his going in the afternoon to the private upper room, to see if Brewster had arrived; by his waiting there until he did arrive, and until the papers were enveloped and sealed; and by his then taking the papers from Clarke, and forwarding them by Hill? (Kellogg, 673.)

Brewster was the last who signed; the forged signatures had been supplied before he came. It is impossible that Clarke might have stepped out of the room to allow Kelly or Blanchard, or whoever did forge them, to do so; but it was impossible that he could subsequently put up, or that Kelly could see him put up the papers without seeing that the signatures of the absent men had been supplied. Equally impossible for Kellogg to have signed his name at the last moment on the sealed envelopes without noticing the forged signatures of the absentees just below the place where he was signing.

The ignorance or indifference asserted by the persons charged with the execution of these papers, and who were bound to know, and must have known about these forgeries, confirms their guilt.

We are without a reasonable doubt that at least eighteen signatures to the second set of electoral certificates from the state of Louisiana were forged on the afternoon of the 29th of December, 1876, in the State House at New Orleans, and that William Pitt Kellogg, first Republican elector at large and governor of the state, and now a Senator of the United States, and H. Conquest Clarke, his private secretary, now a clerk in the Treasury Department, were privy and accessory to such forgeries.

### IV.

#### DANGER OF RETURNING BOARDS.

When the Democrats recovered control of Louisiana they abolished the returning board, and there no longer exists in the United States any tribunal having discretion to receive or reject at pleasure the votes cast. No such body ought ever again to be permitted. If the wisdom of the fathers and the experience of free government have settled anything, it is the necessity of keeping the functions of judging and of administering the laws separate. No tribunal ought to be clothed with such a discretion; no persons ought to be intrusted with absolute powers upon the exercise of which the success of their own party and their own power and that of their friends depend. Such discretion cannot fail to be debased and abused, and the abuses will be greater as the temptation is greater and as the irresponsibility of the officials increases. It is idle to talk of free government where the people are not permitted to choose, or where their choice is ignored or disregarded by the custodians of the people's power.

#### AND OF FEDERAL INTERFERENCE.

Nor can the danger of interfering in local election by Federal troops, whether to protect officials in the exercise of discretion or to coerce citizens or to aid voters, be overrated. If an election cannot be conducted without foreign troops to protect the men who vote and the men who count, there should be no election. Military used to protect those who count and those who vote, will prove to be military used to put down liberty under the guise of protecting it, and to be the more dangerous because of its disguise.

#### AND FROM FEDERAL PATRONAGE.

But behind all these dangers remains the fundamental danger resulting from the centralization of all appointments to office in the President. In no government in the world is so vast a patronage



dependent on the absolute control of a changing Executive. If the Executive were permanent; if the patronage were distributed; or if the tenure of office were in any way fixed by law, the evil would be lessened. But now at the end of each four years the entire Federal patronage—amounting to one hundred and ten thousand offices—is collected in one lot, and the people divide themselves into two parties, struggling, in name to choose a President, but in fact to control this enormous patronage, which the President when elected is compelled to distribute to his party, because he was elected to so distribute it.

The temptation to fraud, to usurpation, and to corruption thus created, is beyond calculation. A prize so great, an influence so powerful, thus centralized and put up for contest at short recurring periods would jeopard the peace and safety of any nation.

The election of a President would never lead to the effort and struggle and bitterness with which it is now attended, nor be followed by any question as to who was really the choice of the people, nor be the subject of any attempt to defeat their will, but for the offices within his gift.

No nation can withstand a strife among its own people so general, so intense, and so demoralizing. No contrivance so effectual to embarrass government, to disturb the public peace, to destroy political honesty, and to endanger the common security was ever before invented. Its existence in this nation was not designed, but was the result of a national growth and centralization, which the fathers could not foresee, and failed therefore to provide against. Every principle upon which they founded government, every practice which they inculcated, demand of us in some way to break up this system, and by removing the evils remove also the dangers with which it threatens us.

#### RECAPITULATION.

To recapitulate then :

First. The power to appoint electors of President and Vice-President for the state of Louisiana was legally and constitutionally vested in the people thereof.

Second. This power was duly executed in 1876. On the day, in the manner, and at the places prescribed by law, the ballots of the people were taken and counted; showing a clear majority of seven thousand for the Tilden electors in Louisiana.

Third. This majority was wholly made up of voters, legally qualified; their right to vote being subjected to the scrutiny of hostile registrars and commissioners, appointed by their enemies for every polling place.

Fourth. The election was free and peaceable. There is no proof or pretense that intimidation was practiced on the day of election.

Fifth. Nor were the people prevented by intimidation, or any cause, from assembling at the polls. All allegations to the contrary are effectually disproved by the undisputed fact that the vote was larger in proportion to the population than at any previous election ever held in the state—larger than in most of the other states where elections were held the same day, and where every exertion was made to bring out the last man.

Sixth. The Tilden electors were thus "duly appointed" by the people who alone had the right and power to appoint. This thing was not done in a corner; it was seen and known of all men. The act of appointment was immediately placed on the public records of the several parishes. This fact is as indisputable as any other in history.

Seventh. The legal, just and constitutional effect of this appointment upon the presidential election could be avoided only by falsifying the act of the people; that is to say, by altering the election returns in such manner as to make them appear like an appointment of other persons instead of those who in truth and in fact were appointed. This was the crime by which the authority and will of the people were defeated in the case under consideration. A crime—considering the extent of the corrupt combination required to carry it through, the vast chain-work of frauds, false pretenses and perjuries connecting it together, and the magnitude of the rights prejudiced by it—of the highest magnitude.

Eighth. The agents of the Republican party sent into the state to get its electoral vote for Mr. Hayes, were among the ablest and most conspicuous men in their organization; they were designated for this service by the then President, and many of them were known as the intimate friends of his successor. These men, notwithstanding that the Tilden electors had been fairly, peaceably and legally chosen by a large majority of the people at a full poll, encouraged, by their presence, the fraud, falsehood and crime by which the vote was used to elect Mr. Hayes. They affected to believe that the returning board had legal and constitutional power to set aside the appointment made by the people, and make another appointment themselves; they pronounced the warmest encomiums on members of the board who bore characters notoriously bad; and they distinctly refused to unite with the Democrats in an effort to have an honest count made of the votes actually cast and legally returned by the proper officers of the election.

Ninth. No direct evidence has revealed what bargain was made in words or in writing with members of the so-called returning board; but we cannot doubt that they did their corrupt work with the understanding that they should not only be protected against public justice, but rewarded for their villainy. This pledge has been kept. When Wells and Anderson were indicted, Federal officers at Washington interfered with the administration of state law at New Orleans; and those same men and the others who gave their active assistance to the perpetration of the fraud have been quartered on the public treasury, and the people whom they have defrauded are made to pay them for their crimes.

Tenth. All the foregoing propositions of fact apply *nomine mutato* to Florida, as well as to Louisiana.

The majority in the former state was not so large as in the latter, but it was decisive and well attested. The appointment made by the people was frustrated and altered in a like way under the instigation of "visiting statesmen" of the same class, and was followed by similar reward.

The fraud was aggravated in Florida because the canvassing board had no power under their statute but that of mere clerks, and their Supreme Court had expressly so decided; and because all the departments of the state—judicial, legislative and executive—protested against their action as not only false, but a mere usurpation.

The necessary effect of a successful and prosperous falsification of the choice of the people for the Chief Magistracy of the country, is to tempt all those who profit by the wrong, and those who suffer by it, to adopt the like corrupt methods on future occasions.

## CONCLUSION.

Finally we report :

First. That due effect was not given to the vote of electors appointed by the state of Florida at the presidential election of 1876, by reason of false and fraudulent returns for the said electors by the canvassing board of that state, whereby the choice of the people of that state was annulled and reversed, and that the action of the board of state canvassers in making the returns was countenanced and encouraged by, among others, the Hon. Edward F. Noyes, who has since been appointed the minister for this country to France.

Second. That due effect was not given to the vote of the electors appointed by the state of Louisiana at the presidential election of 1876, by reason of the false and fraudulent action of the returning board of that state, whereby the choice of the people of that state was annulled and reversed, and that the action of the returning board was countenanced and encouraged by, among others, the Hon. John Sherman, who has since been appointed Secretary of the Treasury.

Third. That a conspiracy existed in the state of Louisiana, whereby the Republican vote in all the precincts of the parish of East Feliciana and in some of the precincts of West Feliciana at the general election in November, 1876, was purposely withheld from the polls to afford a pretext for the exclusion by the returning board for that state of the votes cast in those precincts for electors for President and Vice-President.

Fourth. That the signatures of two of the electors to the second Republican certificate of the electoral vote of the state of Louisiana returned to Congress and referred to the Electoral Commission were forged; and that William Pitt Kellogg, then governor of that state, and now a Senator of the United States, and H. Conquest Clarke, his private secretary, now a clerk in the Treasury Department, were privy to such forgery.

Fifth. That Samuel J. Tilden and Thomas A. Hendricks were, and Rutherford B. Hayes and William A. Wheeler were not, the real choice or a majority of the electors duly appointed by the several states and of the persons who exercised and were entitled to the right of suffrage at the last general election in the United States.

All of which is respectfully submitted.

CLARKSON N. POTTER.  
WILLIAM R. MORRISON.  
EPPA HUNTON.  
WILLIAM S. STENGER.  
JOHN A. McMAHON.  
JOSEPH C. S. BLACKBURN.  
WILLIAM M. SPRINGER.



## TREASURY BOOK-KEEPING.

**FORCED BALANCES.—THE PUBLIC DEBT DOCTORED.—DISBURSEMENTS INCREASED. RECEIPTS DECREASED.—ERASURES AND MUTILATIONS.—PENSION ACCOUNT CROOKEDNESS.—THE SECRETARY VIOLATES THE LAW.—FICTITIOUS WARRANTS DRAWN.—MILLIONS UNACCOUNTED FOR.**

Senator Henry G. Davis of West Virginia, having stated several times in the Senate that the various reports from the Treasury regarding the financial condition of the government did not agree, a committee of investigation was raised by the Republican Senate, and continued by the Democratic Senate. The investigation fully sustained every statement that had been made by the Senator, and it is a matter of importance that as to the facts in the evidence the majority and minority reports virtually agree. The majority report submitted by Senator Davis makes clear the fact of great discrepancies in the figures on the books of the department.

The system of

### FORCED BALANCES

was to increase the amounts of previous years in the reports of five and six years subsequent, and thus, by the mere insertion of false amounts, make the books balance. For instance:

In the report of 1870 the expenditures for pensions are stated for the year 1864-65 at.....	\$16,347,621 34
In the report of 1869 the same expenditures in the same year are stated at.....	9,291,610 48

Showing an increase in the report of 1870 over the figures in the report of 1869 of.....	7,056,010 86
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The annual treasury report for 1870 gives the expenditure for pensions for that year at \$28,340,202.17, while four years later the annual report states the expenditures for 1870 at \$28,402,241.20, or \$62,039.03 more than the amount given in the report for the year in which the expenditure was made. In this manner the treasury books and reports show discrepancies in the expenditures of nearly all the departments of the government. In the report of 1869 the War Department is charged with \$599,298,600 for the year 1863. Two years later, or in the report of 1871, the War Department is charged with over four million dollars more for the year 1863 than it was in the report of 1869. A discrepancy of over two million dollars occurs in two statements of the expenditures of the Indian Department for 1863. A difference of FIFTY-EIGHT MILLIONS in the loan and treasury notes for 1863 is found between the report for that year and the report of 1870 for the year 1863.

In every instance the difference is in the shape of an increase in after years, which increases were found necessary to make the books balance. While this is the fact regarding the disbursements of money the rule is made to work equally

well in the receipts. DISBURSEMENTS ARE INCREASED and RECEIPTS DECREASED. All these facts are taken from the official reports of the Treasury, and are not the result of any computations other than the simple comparisons to be seen at a glance in these reports. This is the manner in which

#### THE REVENUE DIMINISHES,

as time gives it a perspective view.

Report for 1866 states net revenue collected for 1864.....	\$264,626,771 60
Report for 1870 states net revenue collected for 1864.....	262,742,354 32

Showing a decrease of..... 1,884,417 28

In 1870 there was need of a large amount to make a balance, and the annual report for that year displays the net receipts of revenue for the year 1865 to have been over ten millions less than the report of 1863 gives the revenue for the year 1865. This vast amount is totally unaccounted for in the books of the Treasurer, Register, and of the Secretary of the Treasury. No explanation could be given by the witnesses called, and not a marginal note could be found in the books to relieve the anxious searcher of the hole through which the ten millions disappeared. The letters of the Commissioner of Pensions of July 25th, 1876, for the eleven years ending with 1870 show the amounts paid during those years for

#### ARMY AND NAVY PENSIONS

to have been \$129,391,228.38. The Secretary's finance report for 1870, page 30, gives the expenditures for the same purpose and same years \$143,540,493.44, or THIRTEEN MILLION FIVE HUNDRED AND FIFTY-FOUR THOUSAND FOUR HUNDRED AND NINETEEN DOLLARS AND EIGHTY-NINE CENTS more than the Commissioner of Pensions reports. The Treasurer says the Commissioner received \$13,554,419.89 more than the Commissioner officially says he received.

There are millions of dollars difference between the Secretary, Treasurer, and Register as to cash in the treasury at the end of fiscal years. It is a fact that the statements of the Secretary, Register, and Treasurer all differ widely at the end of fiscal years between 1860 and 1870 as to cash in the treasury, interest paid, receipts and expenditures, and the amount of the public debt. No explanation is given by the minority report or the treasury officials.

The annual reports of

#### THE PUBLIC DEBT

from 1835 to 1869 are, in the year 1871, practically thrown aside. In 1871 and subsequent years the statements of the public debt for these years by some magical power is changed, and all the previous reports for thirty-five years are abandoned, or at least sought to be abandoned. In some years, according to the new order of things, there is an increase and in other years a decrease in comparison with the reports that were made from year to year during all this time. The reports of 1869 and previous years show aggregate of the annual statements of the public debt at the end of 1869 to be \$19,973,622,423.71. But under the new dispensation of 1871, the report for the same years brings the debt up to \$20,221,399,098.42, or TWO HUNDRED AND FORTY-SEVEN MILLION, SEVEN HUNDRED AND SIXTY-SIX THOUSAND SIX HUNDRED AND SEVENTY-FOUR DOLLARS AND SEVENTY-ONE CENTS more than it had been reported. It is a significant fact that during the years 1867 and 1868, preceding Grant's election, the first time the new report shows a decrease in the public debt, but in the years 1869 and 1870 the debt suddenly increased \$193,000,000. The examination of these debt statements shows how regularly they were



## MANIPULATED ABOUT ELECTION TIMES.

After the election the debt, as in 1869 and 1870, is forced up to cover the forcing down process that preceded the election. But there is no such covering up process to account for the marvelous and sudden increase of over two hundred and forty-seven millions in the year 1871. A new table of expenditures in the report of 1871 is also brought into service, and past reports discarded.

*Increase of expenditures in report of 1871 as compared with report of 1869.*

Year.	Military service.	Pensions.	Indians.	Naval establishment.	Total
1860.....	\$2,000,000 00				
1862.....			\$104,546 10		
1863.....	4,015,810 99		2,075,706 35	\$50,130 04	
1864.....		\$5,840 73	91,678 17		
1865.....		7,056,010 86	92,395 81	49,657 95	
1866.....		197 53	48,664 76		
Total....	\$6,015,810 99	\$7,061,949 12	\$2,412,991 19	\$99,787 99	
Increase:					
Military service.....					\$6,015,810 99
Pensions.....					7,061,949 12
Indians.....					2,412,991 19
Naval establishment.....					99,787 99
Total.....					\$15,590,539 29

## ERASURES AND MUTILATIONS.

To make the new statements which began with the report for 1871 consist with books of former years, the books of former years were scratched and made almost a new set.

On the question of alteration, changes, and erasures of the Treasury books, William Woodville testified :

Q. Did you find upon those books alterations or errors or erasures in figures ?

A. Yes, sir; I found alterations, scratches, canceled warrants.

Q. To what extent ?

A. In the Treasurer's books from 1860 to 1867, inclusive, the alterations, scratches and canceled warrants amounted to about twelve hundred in round numbers.

Q. Twelve hundred different alterations ?

A. Alterations, scratches, and canceled warrants, anything like a change from the original amount.

Q. Just explain generally what you found upon the books in regard to erasures or alterations of figures ?

A. Amounts scratched and new figures substituted.

It will be seen from the above that the testimony shows on the Treasury books between 1860 and 1867 in round numbers twelve hundred alterations, changes, erasures, etc., affecting amounts ranging from a few dollars to many millions. Mr. Saville, former chief clerk of Treasury Department, answered :

Q. Do you think it would be good book-keeping to carry erasures into the ledger ? Of course a ledger is made up from the day-books and journals, and do you think it would be good book-keeping to make "lots" of erasures and alterations, as you expressed it, in the ledgers ?

A. I should not call it good book-keeping. I would not employ a book-keeper who did much of it.

On the same point let us read from Mr. Gentry's testimony, page 174 :

John W. Gentry sworn and examined.

By the Chairman: Q. Have you made a careful examination of certain ledgers of the Register and Secretary of the Treasury ?

A. I have.

Q. You selected one of the number that you have examined as an example of all that you examined ?

A. I did of those mentioned in this statement.

Q. Is the statement before you the statement you wish now to offer as being a correct statement of the erasures and apparent alterations on the books you examined ?

A. It is.

He had examined nine ledgers ; three from the Register's office and six from the

office of the Secretary of the Treasury. In all he found 2,527 erasures and apparent alterations, and these changes involved amounts ranging up to twenty million dollars. These books are the great ledgers of the Treasury Department. The erasures in the day books and journals were so numerous that they were not computed. Major Power, the chief clerk, testifies that no scratch should appear on the ledgers. Mr. Saville, another clerk at the head of a Bureau, says he would not retain a book-keeper who made changes on the ledgers. Yet there are thousands on the books, and no one can tell who made them or why.

On the subject of

#### LEAVES CUT OUT

of the books, William Woodville says :

Q. Do you know of any leaves being entirely out of the books, that appeared to have been cut out?

A. Yes, sir. In the beginning of the war some of the Treasurer's accounts are that way, about 1861 and 1862.

Q. In how many instances?

A. Two—four leaves in one case, and five in the other. I can produce the books if you wish.

This shows that not only changes, etc., in amounts have been made, but that entire leaves are out of books and cannot be accounted for—no one can tell what amounts they affected, why the leaves were cut out, or what became of them—it has not been explained.

The minority report admits the above and says :

Numerous alterations and erasures upon the books of the Secretary, Treasurer, and Register were discovered, and in some instances entire leaves were found to be cut or torn from some of the books.

Major Power testifies that to examine the debt statement carefully to find errors, if any, for a year during the late war, would require four or five clerks a year. On the same page we find the following :

Q. Going into the warrants and transactions of the government to show whether or not there were errors in the accounts?

A. To not go beyond the stated accounts as stated and certified by the Comptrollers, it would not be a task of much difficulty. It would take four or five years.

Q. For how many clerks?

A. With a corps of seven or eight clerks.

Thus it appears that this experienced officer of the Treasury Department testifies that it would take seven or eight clerks four or five years to examine carefully the accounts of the government between 1860 and 1870. Notwithstanding this the testimony is that a new and inexperienced clerk examined the books from 1833 to 1870 in four or five months, and upon that examination wholesale changes were made. Mr. Bayley, a clerk in Treasury Department, testified that he was a new clerk, and the first work he did in the department was to make up statements.

#### THE SECRETARY VIOLATES THE LAW.

In chapter 6, section 313 of the Revised Statutes it is provided that the Register of the Treasury shall be the official book-keeper of the Treasury Department. The testimony taken by the committee, which was altogether that of treasury officials, was all to the effect that sixty days was enough time to close and correctly state all accounts, yet many alterations have been made after accounts had not only been closed, but had years before been reported to Congress. In 1871 the books of the department were the most subjected to forced entries and balances. The Register of the Treasury was the official book-keeper yet in 1871 the public debt was increased a quarter of a million and the official book-keeper was compelled to yield his official statement of the debt. Here is how it was done :

Register Scofield, on page 5 of the testimony, was asked the following questions, to which he gave the answers stated :

Q. You speak of an order from the Secretary to the then Register, who I believe was Mr. Allison,



to make the changes you have referred to in this debt statement. Will you give the committee that order? A. Yes, sir; this is the original order, and I will hand you a copy.

Q. Read us the original. A. I will.

“TREASURY DEPARTMENT, November 24, 1871.

“*Sir*: I have to request that the statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1870, as printed on page 276 of the finance report for 1870, may be omitted from your tables in the forthcoming reports, or else that it be corrected to conform to Table H on page 25 of the same report for the same year.

“This request is made in consequence of a letter from the Assistant Secretary of the Treasury, now in London, who complains that these different tables are frequently referred to in England, and the discrepancies between them constantly and unfavorably commented upon.

“The table found on page 25 is, I believe, as nearly correct as the examination of the accounts up to the present time will enable it to be made, though I am under the impression there will be some changes necessary in order to make it absolutely reliable.

“Very respectfully,

“J. H. SAVILLE, Chief Clerk.

“HON. JOHN ALLISON, Register of the Treasury.”

This letter is indorsed: “Secretary of the Treasury; chief clerk; 24, 171. Asks statement of the public debt may be made to correspond with statement made in Secretary’s office. Memorandum. As published for the fiscal year ending June 30th, 1871, the statement is the same as the Secretary’s.

George S. Boutwell, of Massachusetts, was the Secretary of the Treasury who ordered these changes. As soon as Boutwell came into the office, in 1869, he began his peculiar manipulations of the accounts of the government finances.

Major Power tells us that the Secretary and Register, previous to 1870, agreed as to the amount of the public debt and the receipts and expenditures, and that they substantially agree since 1871; and that the changes and alterations took place between 1869 and 1871; and that there were none before and have been none since. He was asked:

Q. Do I understand that you could not make a correct debt statement commencing with 1833 and coming to 1870 by issues and redemptions? A. I could do it.

Q. Would it be correct? A. It would be correct.

This shows that the present chief clerk of the Treasury Department thinks that a correct statement of the public debt could be made up from issues and redemptions. If so, why in 1870 introduce a new system which changed and increased the public debt and the expenditures? There must have been a cause for it. Let those who made the changes explain.

Before 1869 the

#### PACIFIC RAILROAD INDEBTEDNESS

was a part of the regular statements of the public debt. After that it was dropped out.

This shows two important facts: First, up to and including 1869 what is known as the Pacific Railroad debt, amounting to about \$58,000,000, was included in the debt statement of the Secretary, but was dropped out in 1869. Second, if it had been included, instead of the Secretary’s statement of 1870 increasing the debt \$94,000,000, the increase would have been \$151,000,000.

Major Power testifying regarding the issuance of bonds says:

Q. An order comes from the treasurer’s office to the loan branch of the secretary’s office to issue a bond for \$1,000; the loan division directs a two-thousand-dollar bond to be issued instead of one-thousand-dollar bond, which the treasurer directed to be ordered. That order goes to the register, I understand. The register issues a two-thousand-dollar bond, and it comes back to the same office that ordered it for the seal; that office puts the seal on it and the bond then goes back to the register for delivery?

A. That is the practice.

Q. Then there is no check outside of that particular office as to whether or not the bond was a one-thousand-dollar or a two-thousand-dollar bond?

A. I believe not.

William Fletcher, chief of the loan division, and Treasurer Gilfillan, each agrees with Major Power, that there is little or no check on the loan division in issuing bonds.

The bonds ought to be sent to the treasurer to see if the money received agrees with the amount named in the bond. The minority report of the Senate committee says:

The present method of handling securities of the government, including notes, bonds, and stamps, would be greatly improved by having all securities pass through the office of the register.

It does not require any evidence of the officials, which in itself is conclusive to show every citizen that no one really knows the true state of the government's finances. Forced balances have been made amounting according to the official records to over \$300,000,000.

#### THE FICTITIOUS WARRANTS

for these amounts, the chief of the warrant division testifies, are not on file. Many of them were no doubt merely drawn up as part of the formula by which balances were forced, but why should they disappear from the archives of the treasury? If all this vast sum was merely figures used to balance the books, why not keep the warrants? If all was not for this purpose, some of the warrants would be interesting reading. So it is that the people are in utter darkness as to the financial condition of their country, and will continue to be so until a new set of men can examine the books and learn the truth.



rupt the treasury. Here it is. [Holding it up.]

To begin with, the very first we find on the list is a claim from the loyal state of Connecticut for \$8,655, first introduced into the Republican Forty-third Congress by Mr. Kellogg, a Republican; and next on the list is a claim for \$5,000 from the state of New Jersey. The next comes from Tennessee; there is not a claimant from that state who is not a loyal man. Then there is a claim from Pennsylvania—the state from which our Speaker comes. Then comes New York; and then Maryland, with twenty-two claims, all in a bunch, and, as I learn from my friend from Maryland [Mr. Walsh], they are all the claims of loyal men. Then comes Virginia. Then comes North Carolina, which is a little claim, but North Carolina has been very modest in this respect. Then Ohio comes for one-fourth of a steamboat. Then comes Pennsylvania for \$22,927; and then the loyal state of Kentucky, with a long array of these claims, and the bill H. R. No. 415, which is repeated fifty-four times on the list, and that claim, as I learn from my friend [Mr. Dibrell], is for persons some of whom were soldiers and the widows of soldiers of the Union army—one of them a widow who lost her husband and two sons in the Union army.

I hold in my hand a Republican paper, the *Cincinnati Commercial*, containing a letter written from this city by a Republican, giving an account of the claims introduced by Mr. Dibrell:

Mr. Dibrell, from the third Tennessee district, many of the counties of which had more men in the Union than in the Confederate army, and which counties are Republican to-day, has introduced this session thirty or forty bills for the payment of loyal men, some of them a mere pittance of a few hundred dollars, and none for very large amounts. Yet several Republicans have made speeches this session on "Southern claims," and they have all paraded Dibrell's bills before the country as a part of the evidences of a rebel raid on the treasury. I happen to have a large acquaintance in that district and every man I know on Dibrell's list was a Union man, and stands ready to prove his Unionism. Some of them can prove it by scars on their bodies, received in the Federal service. I submit, if this is just treatment of these men.

So much for the speech of the gentleman from Indiana (Mr. Hanna). But the gentleman from Illinois (Mr. Hayes) came in with a long list of figures, and I have taken some pains to analyze his table also.

The gentleman from Illinois [Mr. Hayes] says in his speech that these claims amount to \$300,000,000. And he repeats that three times.

Now, I say that is such a mistake that it ought not to have gone out from this hall. All the claims

MR. EDEN, OF ILLINOIS: In reply to what has been stated in reference to the number of claims pending before the Committee on War Claims, I wish to state that in the Forty-third Congress there were reported by that committee private claims to the amount of \$396,891.63; for the Quartermaster-General, Commissary-General of Subsistence, and Commissioner of Claims, \$1,561,711.76; making the total amount reported, \$1,959,603.39. That was a Congress in which our Republican friends had control, and there was a larger number of claims before the Committee on War Claims than there was in the Forty-fourth Congress when the Democrats had control. I will state further that in the Forty-fourth Congress the amount of private claims reported amounted to \$188,015.30, and the Quartermaster and Commissary-Generals' and Commissioner of Claims, \$943,713, the total amount reported being \$1,131,828.30. The war claims reported favorably by the Republican committee of the Forty-third Congress exceeds the amount reported by the Democratic committee of the Forty-fourth Congress over \$800,000!

MR. LOCKWOOD, OF NEW YORK: Mr. Speaker, I think it cannot be denied that every law or decision of the courts under and by virtue of which Southern claims have been paid, and under which payment is now claimed, was originated and enacted by a Republican Congress and interpreted by a Republican judiciary, all the offices of the government since the close of the war prior to the Forty-fourth Congress, legislative and executive, having been held by the Republican party. In addition to passing all laws under which payment could be made, we find that the Republican party, prior to 1876, had actually paid of the Southern claims more than \$100,000,000.

And it would also appear that the Republican party believed in paying all these claims. I quote from a speech delivered in the Senate of the United States by the late Senator Morton, a leader of his party:

"Can we afford to make any other rule on this subject? We might save some money by making another rule: but in the end it would be penny-wise and pound-foolish economy. After having expended some \$5,000,000,000 to keep the South in the Union, and after all our labors to build up a loyal party down there, shall we come here making shipwreck in the end by declaring upon the floor of the Senate that the loyal men, whose hardships and sufferings we can never estimate, shall be treated as public enemies, and that we will not pay them under the same circumstances under which we would pay a man for the taking of like property in the North? I can never consent to it."

The bills reported from the Committee on War Claims at the first session of the Forty-third Con-



gress amounted to the sum of \$5,912,790. That was a Republican Congress. The same committee of the Forty-fourth Congress, the first Democratic Congress, at the first session, reported bills favorably to the amount of \$215,861. The present Congress has not paid to exceed \$5,000 of Southern claims, and payment in these cases was urged by the Republican side of the House. The test case of the present Congress was the bill for the relief of William and Mary College, of Virginia. The ablest speech made in favor of its payment was by a Republican from Massachusetts, and the leading speech against it by a Democrat from Wisconsin, and, strange to say, this case, which has provoked so much debate at this session of Congress and which has acquired such newspaper notoriety, was passed without serious opposition by the Republican House of the Forty-second Congress.

The Southern Claims Commission was established by a Republican Congress, and for the purpose of allowing and providing a way to pay, as its name indicates, Southern claims.

These facts speak for themselves. Let the people who must pay the taxes judge. For myself, I care not which party advocates the payment of Southern claims; so long as my voice or vote can prevent their payment in the committee-room or in the House, I shall continue to oppose them. They are of the past, and they should be permitted to remain as an inheritance and warning to evil-doers.

Senator Hill, speaking on the subject of war claims, said: But, Mr. President, I vote against this bill, because, in my judgment, it is what we call *par excellence*, a war claim, and I am against the payment of all war claims, \* unless it be perhaps some few exceptions in favor of religious, educational, and charitable institutions; and there are very few even of that character that I will except. I vote against their payment upon principle. I have considered this question very carefully, and for a long time, and to-day is the first occasion I have expressed publicly my views upon the subject, because I did not desire to express them until after careful consideration of the question.

Now, why do I vote against this claim? It is, as I have said, emphatically a war claim; that is, it is a claim for compensation by reason of losses incurred during the war and by act of war. My first reason for not voting for it is that we cannot pay all of this kind of claims. They would bankrupt the government. It is impossible that the government should be expected to pay all these claims and claims standing on as good footing as this in every respect.

I think, sir, all parties ought to take this position. It is a little painful to me to see gentlemen of one party seeking to make political capital out of cases of this kind, and the other side protesting that it is not right. Why not agree to take some common position, that these war losses cannot be paid? The government is not able to pay them; the government ought not to pay them, in view of their peculiar character and the circumstances of the war, and the sooner the people are taught that, the better, and let these constant irritations about the payment of war losses cease. As I said, I might make a few exceptions in favor of religious, educational, or charitable institutions, but I should make very few of that sort. Where the property destroyed was of such a character as to be of great public importance and great public benefit, not only to one section of the country, but to all sections of the country, I should think it would be legitimate and proper as a public benefit to pay that kind of loss. There are, I think, perhaps a few cases of that kind, but put them altogether, so far as my knowledge extends, they would not exceed half a million of dollars.

Mr. President, I am the humblest man in the Democratic party. That party, after eighteen years of absence, I trust and believe, is about to return full-fledged to power. I think it will have possession of every department of this government. It certainly will have it if we convince the people North and South that we deserve to have it; for evidently the people are well satisfied that the Republican party does not deserve to be continued in power, and the only question with the people is whether the Democratic party does deserve to be intrusted with power. If I had control of the party, as I have not, and shall never have, if my voice were worth anything, there are four things I would have the Democratic party to proclaim to the world in most convincing terms and adhere to with unflinching fidelity. I would have the party to say:

1. We will not pay war losses, loyal or disloyal, unless we make a few exceptions of religious, educational and charitable institutions, and very few of these.

2. We will vote no more of the public money and no more of the public credit, and no more of the public lands to build up or enrich mammoth monopolies in the shape of railroad corporations.

3. We will in good faith pay every dollar of the public debt, principal and interest, in good money of the standard value.

4. We will restore the Constitution to the country and honesty and economy to its administration, confining the general government to its limited, delegated sovereign powers to promote the general welfare, and leaving the states unmolested in the exercise of their reserved sovereign powers to promote the local welfare of the people.

Do these four things, and, in my judgment, the child is not born who will witness the termination of Democratic administration in this country, and the tongue has not been gifted with language that can express the prosperity which will follow to all our people in every section of our country.

## PRIVATE CLAIMS AGAINST THE GOVERNMENT.

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Mr. Potter, from the Committee on Reform in the Civil Service, submitted the following report, May 18, 1878 :

By the theory of government the sovereign was regarded as the source of all power. He could not, therefore be liable to his subjects ; for redress, he could be petitioned, but not compelled ; and, as he could do no wrong, every petitioner might expect to have his claim justly considered.

Accordingly, when our fathers framed this government, they made no provision for suits against it. They provided in the fundamental law that the right of petition should never be abridged, and declared that the government was formed to maintain justice ; but they left those who had claims upon it to petition it for redress. From the beginning, therefore, Congress proceeded to consider the private claims upon the government addressed to it, to satisfy itself of their merits, and dispose of them in its absolute discretion. In those days, with few members and little business, an intelligent consideration of such claims was not impossible ; but as population and wealth and industries increased, the private claims addressed to Congress rose to a number and importance which made intelligent consideration of them by Congress impossible.

From the nature of things no tribunal can be less fitted to examine and decide upon private claims than the Congress. The organization of the body requires that the consideration of such claims must be first had in committee. The pressure of business is now so great that the claims before the committees are generally allotted for examination to subcommittees of one, or two, or three members. Claimants, therefore, naturally begin by seeking first a favorable committee to which to refer their claims, and next for a favorable selection from that committee to consider them. Evidence is then offered in the form of statements or of *ex parte* affidavits. There is no answer, usually no personal appearance of witnesses, no cross-examination, no opposing testimony, no inquiry by nor appearance on the part of the government, no general publicity, no check against fraud, and no prescribed rules and regulations for the investigation. Many of the claims are impressed with a sectional or party character especially calculated to exclude all judicial fairness in their consideration.

The evil resulting from the consideration of private claims by Congress, and the injustice and delay done to honest claimants were early observed.

Sensible of how illy fitted such a body was to maintain the justice for which the government was established, and moved by the example of other civilized nations that had established judicial tribunals to determine the claims of their subjects upon the government, Congress in 1855 established a court to take the evidence in respect of all that class of claims that arose out of contract, or were based upon positive law, and to report to Congress the facts found and its recommendation as to the disposition to be made of the cases so heard. Subsequently, in 1863, the jurisdiction of this court of claims was so extended as to authorize it to give judgment in the cases heard by it.

But there still remain large classes of claimants of whose claims no court has jurisdiction. Many of these claims are addressed to the legislative discretion of Congress, a discretion which cannot be relegated to any court, such as claims falling within the principles but not the terms of existing laws.

How numerous these cases have become may be seen from the fact that of late years the number of private bills alone belonging to the exceptional classes, relief for which rests in the discretion of Congress, amount in a session of Congress to about 2,500, or about five for each day Congress is in session.

From the nature of these exceptional claims, their final determination must remain with the Congress to whose discretion they are addressed. All that can be done in such cases is therefore to secure a judicial ascertainment of the facts involved. But to do that will be in a very great degree to cure existing evils. When the facts are fairly and judicially ascertained, and an impartial court has given its opinion as to the merits of each claim, we may expect the action of Congress to be as speedy, as uniform, and as reasonable as practicable.

It is intended by this bill to provide for the judicial ascertainment of the facts involved in every *private* claim for which no judicial tribunal has been afforded, and to *prohibit* the consideration by Congress of any *private* claim until the facts involved in it have been so determined. That is, to substitute a court, ascertaining the facts by judicial methods, and reporting the same to Congress with its recommendation in each case, for and in the place of, the committee to whom the examination of such claims is now referred. All the court could judicially ascertain in such cases would be what loss the claimant had sustained by the war, and the circumstances of the loss ; and whether he was loyal. It would be for Congress then to decide if any case of that class should be paid at all. *But if such claims are to be paid at all*, such a determination of the facts about them would largely reduce the present chance of imposition, deception and mistake ; would expedite the worthy and prevent the allowance to unworthy claimants.

The following bill—H. R. 5214—is the substitute for the original bill, reported by the committee.



An act providing for the judicial ascertainment of claims against the United States.

Be it enacted, etc., that any person who may have a claim against the United States of which the Court of Claims would not now have jurisdiction, but founded upon equity and justice, and not bound by any statute of limitations provided by any law of the United States, may file his bill in the Court of Claims of the United States, setting out the grounds of his claim and the relief desired by him; and the Attorney-General of the United States shall appear and plead thereto as provided for in other cases.

Section 2. Any issue of fact joined upon such bill may be tried by the court as now provided for cases of which it has jurisdiction.

Section 3. The court shall find the facts appearing from the testimony before them in each case, and shall report their findings to Congress, with their opinion as to the determination that should be made of such claim.

Section 4. Congress shall not consider nor allow nor authorize the payment of any private claim not payable under existing laws until the same has been heard and reported to Congress by said Court of Claims, as herein provided.

Section 5. All claims against the United States provided for by this act not prosecuted within six years from the passage of this act, or of the time when the same severally accrued, shall be barred, except that when the claimants are under legal disability to sue, the action must be brought within said six years, or within three years after such disability shall cease.

Mr. Potter moved that the rules be suspended so as to enable him to report from the Committee on Reform in the civil service, as a substitute for the bill of the House (H. R. 4277) providing for a judicial ascertainment of claims against the United States, a bill of the same title (see above bill), and enable the House to pass the same, and the question being put, viz.:

Shall the rules be suspended? It was decided in the affirmative, two-thirds voting in favor thereof—yeas 168, nays 75, not voting 48—the yeas and nays being desired by one-fifth of the members present. Those who voted in the affirmative are Democrats in italics.

*Mr. J. H. Acklen; D. Wyatt Aiken; J. D. C. Atkins; William J. Bacon; George A. Bagley; Henry B. Banning; Hiram P. Bell; George A. Bicknell; Horatio Bisbee, Jr.; Jos. C. S. Blackburn; Archibald M. Bliss; James H. Blount; Andrew R. Boone; Thomas A. Boyd; Samuel A. Bridges; John M. Bright; Curtis H. Brogden; George C. Cabell; John W. Caldwell; Jacob M. Campbell; Milton A. Candler; Lucien B. Caswell; J. R. Chalmers; Alvah A. Clark; John B. Clark; John B. Clarke, Jr.; Rush Clark; Heister Clymer; Thomas R. Cobb; Philip Cook; James W. Covert; Jacob D. Cox; Samuel S. Coe; William W. Crapo; Jordan E. Cravens; Thomas T. Crittenden; D. B. Culbertson; H. J. B. Cummings; Augustus W. Cutler; Robert H. M. Davidson; Joseph J. Davis; Benjamin Dean; George G. Dibrell; H. L. Dickey; Mark H. Dunnell; Milton J. Durham; Benjamin T. Eames; John R. Eden; Anthony Eichhoff; J. B. Elam; Russell Errett; John H. Evans; Thomas Ewing; William H. Felton; Ebenezer B. Finley; William H. Forney; Charles Foster; Benjamin J. Franklin; Benoni S. Fuller; James A. Garfield; William W. Garth; Lucien C. Gause; Randall L. Gibson; D. C. Giddings; John Goode; Eugene Hale; Andrew H. Hamilton; Augustus H. Hardenbergh; Henry R. Harris; John T. Harris; Carter H. Harrison; E. Kirke Hart; Julian Hartridge; William Hartzell; Thomas J. Henderson; Eli J. Henckle; Daniel M. Henry; Abram S. Hewitt; Goldsmith W. Hewett; Hilary A. Herbert; Charles E. Hooker; J. F. House; Eppa Hunton; H. L. Humphrey; J. N. Hungerford; Anthony Ittner; A. B. James; Frank Jones; J. T. Jones; J. S. Jones; Joseph Jorgenson; John E. Kenna; William Kimmel; J. Proctor Knott; William Lathrop; Robert F. Leighon; S. D. Lindsay; D. N. Lockwood; J. K. Luttrell; W. Pitt Lynde; L. A. Mackey; Levi Maish; V. H. Manning; S. L. Mayham; A. G. McCook; J. A. McKenzie; J. A. McMahon; Roger Q. Mills; James Monroe; C. H. Morgan; W. R. Morrison; Leopold Morse; H. L. Muldrow; Nicholas Muller; Addison Oliver; Charles O'Neill; T. M. Patterson; James Phelps; C. N. Potter; T. C. Pound; A. L. Pridemore; J. H. Randolph; David Rea; John H. Reagan; Thomas B. Reed; James B. Reilly; A. V. Rice; H. Y. Riddle; W. M. Robins; C. B. Roberts; G. D. Robinson; Miles Ross; Milton Sayler; A. M. Seales; G. Schleicher; L. Sexton; C. M. Shelley; O. R. Singleton; Robert Smalls; W. E. Smith; M. I. Southard; W. A. J. Sparks; W. M. Springer; W. L. Steele; W. S. Stenger; A. H. Stevens; H. B. Straight; J. M. Thompson; J. W. Throckmorton; R. W. Townshend; J. R. Tucker; Thomas Turner; Jacob Turney; R. B. Vance; W. D. Veeder; A. M. Waddell; J. T. Wait; G. C. Walker; Levi Warner; W. C. Whitthorne; P. D. Wigginton; A. S. Williams; C. G. Williams; James Williams; Richard Williams; Albert S. Willis; Benjamin Wilson; Casey Young.*

Those who voted in the negative are Mr. William Aldrich; Mr. William H. Beeken; Mr. H. W. Blair; John H. Baker; N. P. Banks; Gabriel Bouck; E. S. Bragg; L. Brentum; M. S. Brewer; James F. Briggs; T. M. Browne; Solomon Bundy; T. W. Burdick; B. F. Butler; W. H. Calkins; J. G. Cannon; William Clafin; Nathan Cole; O. D. Conger; Lorenzo Danford; Horace Davis; N. C. Deering; D. C. Dennison; J. W. Dwight; C. C. Elsworth; J. U. Evans; J. L. Evans; C. Freeman; W. P. Frey; Mills Gardner; John Hanna; A. C. Harmer; D. C. Haskell; P. C. Hayes; G. C. Hazelton; G. W. Hende; J. Hiscock; J. A. Hubbell; M. C. Hunter; E. W. Keightley; W. D. Kelley; J. H. Ketcham; E. G. Lapham; G. B. Loring; B. F. Marsh; J. H. McGowan; W. McKinley, Jr.; J. I. Mitchell; H. S. Neal; E. Overton, Jr.; H. F. Page; G. W. Patterson; T. B. Peddie; W. A. Phillips; H. M. Pollard; L. Powers; W. W. Rice; Thomas Ryan; E. S. Sampson; W. F. Sapp; W. S. Shallenberger; C. H. Sinnickson; A. Herr Smith; J. H. Starin; J. H. Stewart; J. W. Stone; J. C. Stone; Amos Townsend; M. L. Townsend; William Ward; Frank Welsh; M. D. White; Andrew Williams; B. A. Willis; Thomas Wren.

Those not voting are Mr. L. W. Ballou; T. M. Bayne; G. M. Beebe; C. B. Benedict; R. P. Bland; A. H. Buckner; H. C. Burchard; R. H. Cain; W. P. Caldwell; J. H. Camp; J. G. Carlisle; I. B. Chittenden; F. D. Collins; B. B. Douglass; E. J. Ellis; G. L. Fort; J. M. Glover; T. M. Gunter; B. W. Harris; R. A. Hatcher; C. H. Joyce; J. W. Keifer; J. W. Killinger; R. M. Knapp; G. M. Landers; B. F. Martin; L. S. Metcalf; H. D. Money; Amasa Norcross; Hiram

Prince; J. H. Pugh; T. J. Quinn; J. H. Rainey; E. W. Robertson; M. S. Robinson; W. F. Slemmons; Thomas Swann; J. M. Thornburgh; T. F. Tipton; N. H. Van Vorhes; William Walsh; L. F. Watson; Harry White; J. N. Williams; Edwin Willits; Fernando Wood; H. B. Wright; J. J. Yeates.

So the rules were suspended and the said substitute (H. R. 5214) was passed.

*Ordered*, that the clerk request the concurrence of the Senate in the said bill.

[House Journal, 2d Session, 45th Congress, 1877-78, pp. 1408-9.]

#### WHAT THE REPUBLICAN SENATE DID.

SENATE, Jan. 8, 1879.—Mr. Conkling, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally, without amendment, and that *they ought not to pass*.

H. R., 5214. An act providing for the judicial ascertainment of claims against the United States. The Senate proceeded, by unanimous consent, to consider the said bills (S. B. 510, S. B. 1148, H. R. Bill 3972 and H. R. Bill 5214), as in Committee of the Whole, and no amendment being made, they were reported to the Senate.

*ORDERED*, That the said bills be postponed indefinitely.

[Senate Journal, 3d session, 45th Congress, 187 -79, pp. 93-94.]

#### CLAIMS ALLOWED AS PER SECRETARY OF THE TREASURY'S LETTER.

Dec. 31, 1874.	Secretary Bristow, 43d Congress, 2d session, Ex.		
	Doc. No. 107.		
	Northern states.....	\$9,720 21	
	Loyal Southern states.....	51,009 18	
	Southern states.....	50,570 02	
			\$111,299 41
Jan. 6, 1876.	Secretary Bristow, 44th Congress, 1st session, Ex.		
	Doc. No. 64.		
	Northern states.....	\$12,386 66	
	Loyal Southern states.....	72,971 77	
	Southern states.....	73,189 67	
			\$158,548 10
Jan. 24, 1877.	Secretary Morrill, 44th Congress, 2d session, Ex.		
	Doc. No. 35.		
	Northern states.....	\$1,758 62	
	Loyal Southern states.....	85,026 67	
	Southern states.....	102,576 82	
			\$189,362 11
Jan. 14, 1878.	Secretary Sherman, 45th Congress, 2d session, Ex.		
	Doc. No. 31.		
	Northern States.....	\$11,800 13	
	Loyal Southern states.....	66,300 35	
	Southern states.....	53,305 87	
			\$131,406 35
Jan. 11, 1879.	Secretary Sherman, 45th Congress, 3d session.		
	Northern states.....	\$42,163 43	
	Loyal Southern states.....	92,361 85	
	Southern states.....	128,600 47	
			\$263,125 75
Dec. 3, 1879.	Secretary Sherman, 46th Congress, 2d session, Ex.		
	Doc. No. 14.		
	Northern states.....	\$19,719 07	
	Loyal Southern states.....	42,019 89	
	Southern states.....	52,324 89	
			\$114,063 00
Claims allowed as per report. Total.....			
Northern States.			\$867,794 72
Dec. 31, 1874.....		\$9,720 21	
Jan. 6, 1876.....		12,386 66	
Jan. 24, 1877.....		1,758 62	
Jan. 14, 1878.....		11,800 13	
Jan. 11, 1879.....		42,163 43	
Dec. 3, 1879.....		19,719 07	
			\$97,548 12
Loyal Southern States.			
Dec. 31, 1874.....		\$51,009 18	
Jan. 6, 1876.....		72,971 77	
Jan. 24, 1877.....		85,026 67	
Jan. 14, 1878.....		66,300 35	
Jan. 11, 1879.....		92,361 85	
Dec. 3, 1879.....		42,019 89	
			409,669 71
			\$507,237 83
Southern States.			
Dec. 31, 1874.....		\$50,570 02	
Jan. 6, 1876.....		73,189 67	
Jan. 24, 1877.....		102,576 82	
Jan. 14, 1878.....		53,305 87	
Jan. 11, 1879.....		128,600 47	
Dec. 3, 1879.....		52,324 04	
			360,566 89
			\$867,794 72



STATEMENT OF THE AMOUNTS EXPENDED UNDER THE APPROPRIATIONS FOR  
"CLAIMS FOR QUARTERMASTER AND COMMISSARY SUPPLIES." ACT JULY 4, 1864.

STATES.	1876.	1877.	1878.	1879.	1880. To April 15.	TOTALS.
New York.....		\$1,730 00				\$1,738 00
Pennsylvania.....	\$393 75	305 89	\$1,371 33	\$7,754 57		9,825 54
Maryland.....	8,972 54	25,484 70	48,570 83	37,208 91	\$171 62	120,408 60
Virginia.....			381 12			381 12
West Virginia.....	4,121 90	13,628 42	45,819 51	20,517 74		84,087 57
North Carolina.....		396 25				396 25
Georgia.....			76 50			76 50
Alabama.....			100 00			100 00
Texas.....		6 00		430 00		436 00
Ohio.....	250 00	97 17	10,233 50	32,515 16		43,095 83
Indiana.....	125 00	200 00	1,095 00	387 00		1,807 00
Illinois.....	630 00	284 50	790 00	130 00		1,834 50
Kentucky.....	26,418 38	46,223 18	44,862 75	37,485 16	697 55	155,692 02
Tennessee.....	37,629 12	65,524 22	128,217 61	125,024 17	1,144 50	357,539 62
Missouri.....	9,217 81	8,900 84	16,481 43	17,679 97	218 25	52,498 30
Iowa.....		270 00		20 00		290 00
Kansas.....	3,505 65	1,359 88	937 92			5,803 45
Nebraska.....				120 00		120 00
Colorado.....		875 00				875 00
California.....				500 00		500 00
New Mexico.....		600 00		50 00		650 00
District of Columbia..	4,085 80	7,208 97	2,894 96	175 50		14,305 23
	\$95,349 95	\$173,100 02	\$301,772 76	\$279,998 18	\$2,231 92	\$852,452 83

Register's Office, April 22, 1880.

G. W. SCOFIELD, Register.

## PRIVATE CLAIMS.

Statement of private claims, passed at 42d, 43d, 44th and 45th Congresses:

42d Congress, 1st sess.....	\$56,105.64
2d sess.....	611,140.19
3d sess.....	766,128.10
Total 42d Congress.....	\$1,433,373.93
43d Congress 1st sess.....	\$614,123.31
2d sess.....	239,553.92
Total 43d Congress.....	\$853,677.23
Total 42d and 43d Congress.....	\$2,287,051.16
44th Congress 1st sess.....	\$292,050.05
2d sess.....	234,489.95
Total 44th Congress.....	\$526,540.00
45th Congress 1st sess.....	\$311,953.53
2d sess.....	349,438.01
3d sess.....	348,779.43
Total 45th Congress.....	\$1,010,170.97
Total 44th and 45th Congresses.....	\$1,536,710.97

Reductions 44th and 45th Congresses (Democratic House) in amounts appropriated for private claims under amounts appropriated for private claims by the Forty-second and Forty-third Congresses (Republican in both branches), \$750,340.19, being a reduction of more than 32 per cent.

# THE THIRTEENTH, FOURTEENTH AND FIFTEENTH AMENDMENTS.

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## ARTICLE XIII.

### SECTION 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

### SECTION 2.

Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV.

### SECTION 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

### SECTION 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male members of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

### SECTION 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against



the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

#### SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

#### SECTION 5.

The Congress shall have power to enforce by appropriate legislation the provisions of this article.

### ARTICLE XV.

#### SECTION 1.

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color or previous condition of servitude.

#### SECTION 2.

The Congress shall have power to enforce by appropriate legislation the provisions of this article.

# THE DEMOCRATS AND THE SOLDIERS.

## LEGISLATION THAT SPEAKS FOR ITSELF.

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### DEMOCRATIC EFFORTS FOR THE SOLDIER THWARTED BY REPUBLICANS.

The Republicans in Congress have always been loud in their professions of love for the soldier. Professions are one thing. Acts are quite another. An examination of the records of the Democratic and Republican parties on this subject shows that while the latter have been professing, the former have been acting; while the latter have been promising, the former have been fulfilling. The Democrats have not only passed private pension bills most cheerfully, but have enacted general laws whenever the mass of the soldiers were to be benefited thereby. Bills for the equalization of bounties and for arrearages of pensions have both passed Democratic houses, only to be defeated outright or contemptuously kicked aside in the Republican Senate.

In the course of a speech on this subject in 1878, in the House of Representatives, Hon. John A. McMahon, of Ohio, truthfully said:

The importance of these votes is more apparent when we consider that the Democratic party came here in the interest of retrenchment and reform. Have we ever cut down the pension bills? Have we ever listened to the oft repeated charge that the pension list is too large; that fraudulent claims are on it; that it should be revised? No, we prefer to err on the side of the soldier and his suffering family. We have cut everywhere else; we have retrenched in every direction but in that. We vote for no increased expenditure except for the Union soldier.

Below are a few of the measures which the Democrats have originated and passed in the interest of the soldier. In every case, where the measure was defeated, the Republican party was responsible for the defeat as the record shows. Votes against meritorious bills always came from the Republican side. If they thought they could not defeat a bill by their votes they buried it in the committee room.

### EQUALIZATION OF BOUNTIES.

Frequently since the close of the war attempts have been made to equalize the bounties of soldiers. In the Forty-third Congress a bill passed the House. It went to the Senate, which was at the time overwhelmingly Republican. After remaining in committee some time it was passed, but at so late a day in the session that it was somehow lost between the two Houses. It never received the President's signature.

When the Democrats came into power in the House they immediately looked into the question. Several bills for equalization were introduced and referred to the Committee on Military Affairs. They were placed in the hands of Gen. Phil. Cook, of Georgia, who reported a bill without unnecessary delay. It was reported on March 11th, 1876. Although frequently pressed by Gen. Cook, its consideration was not reached until June 20th. Gen. Banning, of Ohio, the Chairman of the Committee on Military Affairs, made a speech, in the course of



which he demonstrated the feeling of the Democrats toward the soldiers. Gen. Banning said :

I do not propose to make a speech or an argument on this bill. This House has frequently heretofore declared in favor of this measure. It has been promised to the soldiers since 1862, but it is left for this Congress to redeem the promises of gentlemen on the other side, who have been making them, and making them, and making them, but have never kept them. I believe that those promises will be redeemed to-day, and it will be done by this Congress that gentlemen have seen fit to denominate the Confederate Congress. When the news goes abroad that this Confederate Congress has rendered unto the soldier that which is his, but which the Republican party failed to give him, then I hope the cry of "Confederate Congress" will be buried forever.

The bill passed the "Confederate Congress," as it was called, by a vote of 141 to 46 (*see Cong. Record, vol. 4, part 4, 1st sess. 44th Cong., pp. 3939, 3940*).

The affirmative vote was as follows : Messrs. Adams, Ainsworth, Anderson, Atkins, Bagley, J. H. Bagley, Jr., Baker (Ind.), Baker (N. Y.), Ballou, Banks, Banning, Blair, Bland, Brown (Kan.), Burchard (Ill.), Burchard (Wis.), Burleigh, Campbell, Cannon, Cason, Caswell, Cate, Canfield, Clarke (Mo.), Clymer, Cochrane, Cook, Cutler, Danford, De Bock, Dennison, Dibrell, Dollins, Dunnell, Dugand, Eames, Eden, Finley, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Glover, Goodin, Hamilton (Ind.), Haralson, Hartzell, Hatcher, Hayward, Hendee, Henderson, Hewitt (Ala.), Hill, Hoyer, Holman, Hopkins, Hoskins, Hubbell, Hurd, Hurlburt, Hyman, Jenks, Jones (N. H.), Joyce, Kasson, Kelly, Ketchum, Kimball, Landers (Ind.), Landers (Conn.), Lawrence, Le Moynes, Levy, Lynch, Mackey (Pa.), Maish, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Monroe, Morgan, Morrison, Mutchler, Oliver, O'Neill, Page, Payne, Phillips (Mo.), Phillips (Kan.), Poppleton, Potter, Pratt, Rainey, Randall, Rea, John Reilley, Rice, Rollins (Pa.), Rollins (N. C.), Robinson, Rusk, Sampson, Savage, Saylor, Sheakley, Simonton, Smalls, Smith (Pa.), Southard, Springer, Strait, Stenger, Stone, Teese, Townsend (Pa.), Tufts, Turney, Van Vorhes, Vance (N. C.), Wait, Waldron, Walker (N. Y.), Wallace (S. C.), Wallace (Pa.), Walsh, White, Whiting, Wike, Willard, Williams (Wis.), Wilson (Ind.), Williams (Mich.), Williams (Min.), Wood (Pa.), and Yeates.

Of the gentlemen above recorded, 74, or more than one-half, were Democrats.

GEN. JAMES A. GARFIELD seems to have DODGED this vote. He is recorded among the absentees, and no pair is announced. The *Record* shows, however, that he was present during the day for he participated in the proceedings.

#### THE REPUBLICAN SENATE POSTPONES THE BILL.

The bill thus passed through the House, and was sent to the Senate. It was reported back on June 26th, and placed on the calendar. Attempts were repeatedly made to get the bill up, but without success. Whenever the motion was made to consider the subject, there was always enough votes against it to prevent action. The last attempt to take it up was made August 11th, 1876, but the motion was defeated, as usual (*see Record, Part 6, 44th Cong., 1st sess., p. 5434*).

That was the last heard of the bill. It was indefinitely postponed, which was an indirect way of killing it.

That which the Democratic House had cheerfully passed, the Republican Senate, with all its professed love for the soldier, deliberately killed.

#### TIME FOR FILING BOUNTY CLAIMS EXTENDED.

The time for filing claims for additional bounty under the Act of July 28th, 1866, expired by limitation on the 30th day of January, 1875. In February, 1876, a bill was reported from a committee of the Democratic House to extend the time until the 1st day of July, 1880. The bill further provided that all claims for such bounty filed in the proper department after the 30th day of January, 1875, and before the passage of this act, should be regarded as having been filed in due time, and should be considered and decided without refiling. The bill promptly passed the House (*Record, Part 2, 44th Cong., 1st sess., p. 1117*).

#### ARREARS OF PENSIONS.

In the Forty-fourth Congress a large number of bills for arrears of pensions were introduced and referred. They were placed in the hands of that gallant soldier from Ohio, General A. V. Rice. Out of all the bills referred he formu-

lated a general bill and reported it on March 22d, 1876. At his suggestion the bill was made a special order.

#### HOW GARFIELD AND OTHER REPUBLICANS FOUGHT IT.

On August 1st General Rice moved to go into committee of the whole for the purpose of taking up the bill. The Republicans endeavored to defeat the motion by indirection and by a resort to parliamentary expedients. Had they been in favor of the bill they could have helped to pass it by simply withholding their objections. Anything can be done in the House by unanimous consent; but they chose to adopt a different course.

Mr. Sampson, of Iowa, was the first to interpose an objection. He said:

I understand the motion of the gentleman from Ohio is, that the House now resolve itself into committee of the whole on the state of the Union for the purpose of considering a special bill.

The Speaker *pro tem* (Mr. Saylor): That is so.

Mr. Sampson: Can that be done? Must not all bills be taken up in their order when the House resolves itself into committee of the whole on the state of the Union?

The Speaker *pro tem*: The parliamentary motion is to go into committee of the whole on the state of the Union. That motion is in order and the rules may be suspended for that purpose by a majority vote. The Chair is informed it has been the custom to go into committee of the whole on the state of the Union for a certain purpose, and to antagonize against that other purposes, and to settle the question prior to going into committee of the whole.

Mr. Hoar: That motion extends only to appropriation bills. A special motion to go into committee of the whole on an appropriation bill is in order. But, sir, all other bills in the committee of the whole must be taken up in their order on the calendar and laid aside one by one.

Mr. Garfield: If we go into the committee on the whole on the state of the Union, we must take up the calendar in order just as on Friday.

Mr. Hale: That has been the invariable rule.

Mr. Rice: It has been the practice so far as I have observed during this session to go into committee of the whole on bills specially indicated. I wish to say the usage has been during this session, at least, in accordance with the motion I have made.

It will be observed that, while General Rice wanted to go into committee on the bill of the greatest importance to the Union soldier, and while the Democratic Speaker *pro tem* wanted to assist him in the accomplishment of that object, General Garfield, Mr. Hoar and Mr. Hale, all prominent leaders of the Republican party, insisted upon a strict application of the rule as against the soldiers' interests.

General Rice insisted upon his motion and the House went into committee. The rule requiring bills to be taken up in their order was rigidly insisted upon, and before the arrears bill could be reached the committee was found without a quorum and had to rise (*Record*, vol. 5, part 6, 1st sess., 44th Cong., pp. 5054 and 5055).

#### MORE FACTIOUS OPPOSITION.

On the following day, August 2d, General Rice tried to push the bill forward again. He succeeded in getting it into Committee of the Whole, but the entire time was again occupied in discussing the order of business, gentlemen insisting that the bills on the calendar be taken up in their order (*Ibid*, pp. 5084, 5085).

The opposition was so determined that the bill could not be reached again at that session of Congress. It might have been passed then if the Republicans had not made the point about taking it out of its order.

#### THE DEMOCRATIC HOUSE ACTS, THE REPUBLICAN SENATE REFUSES.

On March 3d, 1877, at the second session of the Forty-fourth Congress, the bill was passed under a suspension of the rules by the Democratic House. The same day the bill went to the Republican Senate and there it slept the sleep of death in the Republican household—lost in the house of its professed friends.

#### THE BILL OF 1878.

On June 19th, 1878, the Democratic House passed another Arrears of Pension Bill. This was in the Forty-fifth Congress. It passed by a vote of 164 to 61. The bill was not exactly in the form in which General Rice and the majority of



the Pension Committee wanted to have it. The bill of the committee proposed to repeal section 4716 of the Revised Statutes which was as follows:

No money on account of pensions shall be paid to any person, or to the widow, children or heirs of any person, who in any manner voluntarily engaged in, or aided or abetted the late rebellion against the authority of the United States.

The purpose of this repeal was to restore to the rolls the pensioners of the war of 1812 and other wars, whose names had been stricken therefrom for disloyalty. Notwithstanding the refusal of the Republicans to permit this clause to be repealed, the Southern Democrats did not on that account withhold their votes from the arrears bill. They gave it a cordial support for they had determined to do justice to the Union soldier, although the Republicans refused to act in an equally just spirit toward the veterans of 1812.

When the bill went to the Senate it was fought for some time. Action was not reached upon it in that body until the next session on January 16th, 1879. It passed on the 18th of that month after a good deal of opposition and after several attempts had been made to amend it, so that it would have to be sent back to the House.

The soldiers are indebted for the arrears bill to the energy, in their behalf, of the Democratic majority in the House of Representatives.

#### THE APPROPRIATION UNDER THE BILL.

The bill had been passed only a few days when the Appropriation Committee of the Democratic House brought in and passed the following bill. It will be observed that they were not only prompt to raise the money to pay the pensions, but they included clauses construing certain clauses of the arrears act.

An Act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25th, eighteen hundred and seventy-nine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that there be and hereby is appropriated out of any money in the treasury not otherwise appropriated, the following sums namely: For the arrears of pensions due on claims in which the pensions were allowed prior to January 25th, eighteen hundred and seventy-nine, twenty-five million dollars; the amounts paid out respectively for army and navy pensions to be accounted for separately to the proper accounting officers of the Treasury Department. For pensions for army and navy invalids, widows, minors and dependent relatives for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, one million eight hundred thousand dollars in addition to the amounts heretofore appropriated for those purposes, the amounts paid out on account of army and navy pensions respectively to be accounted for separately to the proper accounting officers of the Treasury Department. For temporary clerks in the Pension Office and for furniture, rent of additional rooms and other contingencies fifty-two thousand two hundred dollars in addition to the appropriations which have been or shall be made under other acts the same to be available until June thirtieth, eighteen hundred and eighty: Provided, That no more than three thousand five hundred dollars shall be used for furniture, contingencies and rent.

The pension agents shall receive for their services and expenses in paying the arrears upon pensions allowed previous to January twenty-fifth eighteen hundred and seventy-nine, including postage on the vouchers and checks sent to the pensioner, thirty cents for each payment; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the same.

That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been or shall hereafter be allowed shall be graded according to the <sup>ages</sup> of the pensioners disability from time to time and the provisions of the pension laws in force over the period for which the arrears shall be computed.

That section one of the act of January twenty-fifth, eighteen hundred and seventy-nine, granting arrears of pensions shall be construed to extend to and include pensions on account of soldiers who were enlisted or drafted for the service in the war of the rebellion, but died or incurred disability from a cause originating after the cessation of hostilities; and before being mustered out: Provided, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability.

SEC. 2. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, or in consequence of wounds or injuries received or disease contracted since that date shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability or from the termination of the right of party having prior title to such pension: Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the first day of July eighteen hundred and eighty, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

SEC. 3. Section forty-seven hundred and nine of the Revised Statutes is hereby repealed.

Approved, March 3, 1879.

## THE REPUBLICAN OUTRAGE ON THE SOLDIERS OF 1812.

There is no darker blot on legislation than the action of the Republicans in Congress with regard to the soldiers of the war of 1812, and their widows and orphans. Shortly after the war of the rebellion broke out, the Republicans struck all those people who resided in the South from the pension rolls. It was just and right to do so at the time, because the United States could not send money to the South during flagrant war. But after the war was over, and when all the States had been re-admitted to their places in the Union, there was no justification for withholding from these old veterans the money which they earned in defence of the flag of the whole country. In the Forty-fourth Congress, General Hunter, of Virginia, was Chairman of the Committee on Revolutionary Pensions of the War of 1812. He had for his colleagues on the committee such men as James Phelps of Connecticut, Frank Hurd of Ohio, Martin J. Townsend of New York, Samuel A. Dollins of New Jersey and Thoman J. Henderson of Illinois. On March 3d, 1876, by direction of his committee, he reported a bill to amend the laws granting pensions to the soldiers and sailors of the war of 1812. The bill proposed to restore to the rolls the names of the pensioners who had been stricken therefrom for disloyalty, and the widows and dependent children of such pensioners. The bill also provided that the pensions should commence after the close of the civil war, in 1865. It was not proposed to pay them for any time during the war, when they were supposed to have sympathized with the South. In the course of the discussion of the bill attention was called to the fact that from the lapse of time from the war of 1812 until the beginning of the war of the Rebellion, that these old men could not have possibly participated in the latter. Nevertheless, the Republicans opposed the bill. Congressman Conger of Michigan was a leading spirit in opposition. He moved to so amend the bill as to make its pensions take effect at the date of its passage, and he added "that is time enough to pension men who have been disloyal." Mr. Reagan and other gentlemen again called attention to the fact that from the very necessities of the case, these veterans of 1812 were so old in 1861 that they could not have participated actively in the rebellion.

Mr. Conger and his friends did not succeed in striking out the clause.

## FIGHTING WIDOWS AND ORPHANS.

There was another section of the bill which excited the ire of the Republicans. It was not proposed to give arrears of pay to the old soldiers who had sympathized with their children and grandchildren. But it was proposed to give arrears to the widows and heirs of these old soldiers. Then the Republicans came to the front again to fight the widows and orphans.

To the credit of the American Congress be it said, the motion to strike out the section was rejected by a vote of 92 yeas to 103 nays.

The Democratic House had no idea of fighting widows and orphans.

Here are the names of some of the Republicans who voted for that infamous proposition :

Baker, of Indiana ; Ballou, of Rhode Island ; Burchard, of Illinois, now Director of the Mint ; Cannon, of Illinois ; Conger, of Michigan ; Dunnell, of Minnesota ; Fort, of Illinois ; Foster, of Ohio, now Republican Governor of that State and one of Garfield's right hand men ; Frye, of Maine ; JAMES A. GARFIELD, the REPUBLICAN CANDIDATE FOR PRESIDENT ; Hoar, of Massachusetts ; Hurlburt, of Illinois ; Joyce, of Vermont ; Kasson, of Iowa ; O'Neill, of Pennsylvania ; Page, of California ; Rusk, of Wisconsin ; Wheeler, of New York, and others not so prominent in Republican circles.

All of the negative votes, with three exceptions, were Democrats.

After a further fight upon the question of paying arrearages, the bill was passed (*Record*, vol. 4, part 3, 44th Cong., 1st sess., pp. 2167-70).



## THE REPUBLICAN SENATE KILLS THE BILL.

The bill went to the Republican Senate. It was referred to a committee, reported back with amendments, the report was ordered printed, and that was the last of it. The Republican Senate did not care to pass the bill. It was a matter of indifference to them whether the old soldiers or their widows were paid or not.

## THE BILL OF 1878.

In the Forty-fifth Congress, bills to restore these old veterans were introduced in both Houses. On the 19th of February, 1878, Mr. Withers called the bill up in the Senate. Senator Edmunds and other Republicans opposed the restoration of the veterans to the rolls. Mr. Maxey made a speech in which he administered a merited rebuke, and showed how absolutely indefensible and outrageous was the position of the Republican party on this question. He said :

It seems to me, Mr. President, that when the laws of this country under the operation of the Fourteenth amendment justify, and wisely so, the admission to this body and to the highest offices in the gift of the people, to men like myself who openly, actively participated in the late rebellion, it is, to say the least of it, something singular that these few old men, now rapidly passing to their graves, should be deprived of the poor pittance of a pension of eight dollars per month for their services 63 years ago, in a war with Great Britain, simply because, forsooth, their sympathies were with their children and grandchildren who participated in the late war, for these old people were too old to have taken an active part in it.

A broad and liberal statesmanship was laid down by the late President, General Grant, in the message to Congress of December 7th, 1874, in respect to the soldiers of 1812-15, living in the South, and provided for by the bill now before the Senate.

## GRANT'S REBUKE TO THE REPUBLICANS.

In that message General Grant said : " The act of Congress providing an oath which pensioners must subscribe to, before drawing their pensions, cuts off from this bounty a few survivors of the war of 1812 residing in the Southern states. I recommend the restoration of this bounty to all such. The number of persons whose names would thus be restored to the list of pensioners is not large. They are all old persons, who could have taken no part in the rebellion, and the services for which they were awarded pensions were in defense of the whole country."

These, continued Mr. Maxey, were the utterances of the President, a man who as General-in-Chief of the armies of the United States brought the war to a close. If such a man, occupying the exalted position that he did, and who was lifted to the Presidency of the United States, by reason of the military service he had rendered his country; if this man, who more than any other one man, perhaps, who occupied a high position, had confused the so-called rebels and brought the war to a close; if such a man could utter such sentiments; it does seem to me that the broad statesmanship which he annunciated in the passages I have quoted, ought to prevail in this body, and to induce us to secure to these old men this pittance, for the remnant of their days (*Record*, Vol. 7, Part 2, 45th Cong., 2d sess., p. 1161).

## LEADING REPUBLICANS OPPOSE THE BILL.

The bill was opposed by Senators Edmunds, Anthony, Morrill and others. But Mr. Maxey's speech and the quotation from General Grant's message seemed to have had some effect, for the motion to strike out the clause authorizing the restoration of the old pensioners to the rolls was defeated by a vote of 50 to 7. The seven Senators who voted to strike it out were Anthony, Cameron of Wisconsin, Edmunds, McMillan, Morrill, Oglesby and Teller.

The bill was then passed, the same seven Republican Senators voting against it (*Ibid.*, p. 1169).

## THE BILL IN THE HOUSE.

The bill was taken up in the House on March 4th, 1878. It was reached in the course of business on the Speaker's table. Mr. Stephens moved that it be put upon its passage just as it came from the Senate. Mr. Joyce and other Republicans wanted to move to amend so as to exclude all who had participated in the rebellion. The motion was decided not in order, pending Mr. Stephens' demand for the previous question on the passage of the bill. The previous question was seconded and the bill was passed by a vote of 218 to 20. All the Democrats voted in the affirmative. The twenty Republicans who voted against these old and decrepit men were Baker, Hunter and Robinson, of Indiana; Brewer,

Keightley, McGowan, Stone and Willits, of Michigan; Cox and Danford, of Ohio; Dennison and Joyce, of Vermont; Dwight, Hungerford and James, of New York; Hayes and Tipton, of Illinois; Hazleton and Humphrey, of Wisconsin, and Killinger, of Pennsylvania (*Ibid.*, p. 1465).

#### DID GARFIELD DODGE ?

General Garfield is not recorded, nor is he announced as paired. He seems to have DODGED because he had voted just previously on a bill for a custom-house at Memphis, and was, therefore, present (*Ibid.*, p. 1463).

In spite of Republican opposition, the old soldiers of 1812 rejoice to-day, and they have the gratification of knowing that they are pensioned for the remainder of their days by a unanimous Democratic vote.

#### AN EFFORT TO PROTECT SOLDIERS FROM SHARPERS.

On January 25, 1876, Mr. Jenks, a Democratic representative from Pennsylvania, reported from the Committee on Invalid Pensions a bill supplementary to the several acts relating to pensions and bounty lands. Under the law as it then existed, land warrants were regarded as personal property. Consequently, they not unfrequently got into the hands of sharpers, who sold them, and thereby the soldiers were swindled. For the purpose of protecting the soldiers, the Pension committee reported a bill declaring land warrants issued to soldiers to be real instead of personal property. The object was to place the same directly under the control of the courts, because when the warrants were made realty the administrator of a soldier's estate could not dispose of the warrant without an order from the Orphan's Court. The law was framed entirely for the protection of the soldier and his heirs. The bill was opposed in the House, but it finally passed by Democratic votes (*Record*, vol. 4, part 1, 1st sess., 44th Cong., p. 618).

#### THE REPUBLICAN SENATE DEFEATS THE BILL.

The bill went to the Senate, where it was referred to the Committee on Invalid Pensions. It was there pigeon-holed, and that was the last of it. The bill was based upon petitions that had come from a large number of soldiers.

The Democrats in the House did all in their power to meet the wishes of the petitioners.

The Republican Senate paid no attention to the petitions.

#### ARTIFICIAL LIMBS FOR SOLDIERS—A REPUBLICAN WRONG RIGHTED.

The Republicans in the height of their power never made adequate provision for the furnishing of artificial limbs to soldiers, sailors and others. The Democrats of the Forty-fourth Congress took this subject up. The Committee on Invalid Pensions was presided over in this case by George A. Jenks of Pennsylvania. It had among others for members George W. Hewitt of Alabama; Jesse J. Yates of South Carolina and Haywood Y. Riddle of Tennessee, three ex-Confederates. These gentlemen wanted to have a bill passed to pension the veterans of the Mexican war. The Republicans voted against the bill at every chance. But that did not deter these gentlemen. They endeavored to do all that was just for the Union soldier.

The Republicans said in almost so many words, "We will not do anything for the Mexican veterans who gave an empire to the Union, because the majority of them live in the South."

The Democrats, and Southern Democrats at that, said, "We will do justice to the Union soldier, although they fought us in four years of war."

And they did equal and exact justice.



Under Republican rule, the maimed and wounded soldiers of the Union army had been compelled to purchase their artificial limbs and other appliances at such prices as the dealers chose to demand.

The Democrats, including the "Confederate Brigadiers," said, that is not right. Hence, they reported a bill in June, 1876, to regulate the issue of artificial limbs.

The first section of the bill provided, that every person who in the line of his duty in the military or naval service of the United States shall have lost a limb, or sustained bodily injuries, depriving him of the use of any of his limbs, shall receive once every five years an artificial limb or appliance, under such regulations as the surgeon-general of the army may prescribe; and the period of five years shall be held to commence with the filing of the application after the 17th day of January, in the year 1870.

The last clause of the act is significant. The Democrats did not only what the Republicans should have done long before, but they dated the law back, so that the soldiers should not suffer in their pockets, in consequence of the indifference of the Republican party to their interests.

But the Democrats went further. They believed that the government of the United States owed a debt to the soldiers, and that it should be generous. So they provided in the same bill, that the necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, and an appropriation was made for that purpose.

There was not the slightest trouble in passing the bill through the Democratic House. It went to the Senate. The Senate was Republican. Senator Ingalls, of Kansas, was Chairman of the Committee on Pensions. The very essence of the bill was taken out by an amendment offered by Mr. Ingalls himself. It deprived the soldier of the very advantage which the Democratic House insisted he should have. It was fought in the Senate and substantially destroyed. The Democratic House insisted upon its law for the benefit of the Union soldier. A committee of conference was ordered on the disagreeing votes. The Democratic House finally made the Senate yield, and the law of August 15th, 1876, became a part of the statutes of the land through the obstinacy of the Democratic House in the interest of the Union soldier (*see Record, vol. 4, part 5, 1st sess. 44th Cong., p. 4182, &c.*).

#### A CONTRAST.

Contrast the above liberal act with the following, which the Republicans passed when they had majorities in both Houses:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons who are now entitled to pensions under existing laws, and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four. *Approved June 18, 1874.*

#### TOTALLY DISABLED SOLDIERS RELIEVED.

On May 24, 1878, the House passed a bill to increase the pensions of certain pensioned soldiers and sailors, who had lost either both their hands or both their feet, or the sight of both eyes, in the service of the country. It provided that the pensions of such soldiers and sailors should be increased to \$72 per month. The pension allowed at the time was a little over \$30 only (*Record, part 4, 45th Cong., 2d sess., p. 3758*).

The bill gave them the pension absolutely without conditions or reservation. It went to the Republican Senate, where the Committee on Pensions proposed to

attach conditions to it. They recommended the striking out of all after the enacting clause and to insert as follows :

THE SENATE ATTEMPTS TO IMPOSE CONDITIONS.

That all persons who, by wounds received or diseases incurred while in the military or naval service of the United States, and in the line of duty, have lost both arms or both feet, or the sight of both eyes, or the sight of one eye, the sight of the other having been previously lost; or who is or shall hereafter become so totally or permanently helpless, from wounds or diseases so received, as to require the regular personal aid or attendance of another person, shall be entitled to a pension of \$72 per month, which shall be in lieu of the pensions now granted to such persons.

Here was a condition precedent that certain persons should have the attendance of another person before the increase should be available. But the committee went a step further and proposed to add the following proviso to the bill :

Provided, That this act shall not apply to those who have no families dependent upon them for support; nor to those who are not, in the judgement of the Commissioner of Pensions, in a necessitous condition; nor to any person during the time he may be in the civil service and employment of the government of the United States.

Let all soldiers note the difference in the two bills. That of the Democratic House proposed to help the pensioner in a plain, straightforward, direct way. That of the Republican Senate hampered it with conditions; left much to the discretion of the Commissioner of Pensions, and proposed to repeat what they had done immediately after the war, and say that employment in the civil service should be a bar to a pension, no matter how much suffering the soldier might have endured.

The proposed Senate amendment was rejected, and the bill was passed just as it came from the House (*see Record, part 5, 45th Cong., 2d sess., p. 4588*).

STILL FURTHER RELIEF GRANTED.

Another bill, passed on May 24, 1878, increased the pensions of all soldiers who had suffered amputation of their leg at the hip joint to \$37.50 per month. It went through the House the same day it was reported (*Record, part 4, 45th Cong., 2d sess., p. 3758*).

There were very few of this class on the roll. Hence the passage of the bill could not add very largely to the pension account. But the Republican Senate let the bill lay for nearly one year, and only took it up and passed it about the time the Forty-fifth Congress was expiring, and when the Republican majority was about to give place to a Democratic majority. It passed March 3d, 1879.

RELIEF BILLS PASSED BY THE HOUSE AND REJECTED BY THE SENATE.

On May 23, 1878, Mr. Riddle, of Tennessee, reported a bill from the pension committee to increase pensions in certain other cases. It amended the pension act of 1874 so as to extend its provisions to all persons who had lost an arm below the elbow, or so near the elbow, or a leg below the knee, or so near the knee, as to destroy the use of the elbow or the knee-joint, and rated such persons in the second class and to receive a pension of \$24 per month.

The bill passed the Democratic House without the slightest opposition (*see Record, part 4, 45th Cong., 2d sess., p. 3731*).

The bill went to the Republican Senate, and that body demonstrated its regard for the soldiers' interests by sending it to the Committee on Pensions, where it was pigeon-holed and forgotten. It was never heard of more.

In looking over the laws, the Democrats found that the Republicans had neglected a class of pensioners who were suffering very seriously. They were the men who had lost one hand or one foot, or one arm or one leg. The Republicans said \$24 a month is enough for this class of pensioners. The Democrats, in the House, said it is not enough; these men shall have \$36 a month. The bill passed the House (*see Record, 1st sess. 44th Cong., vol. 4, part 1, p. 619*).



It went to the Republican Senate. It was referred to the Committee on Invalid Pensions in that body, and it was never heard of again.

#### REPUBLICAN AND DEMOCRATIC LAWS CONTRASTED.

The object of the Democrats in introducing and trying to pass the alm bills was to remedy glaring defects in Republican legislation.

In 1872, when both Houses were under Republican control completely, they passed the following general law:

AN ACT increasing the rates of pension to certain persons therein described.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled "An act supplementary to the several acts relating to pensions," approved June sixth, eighteen hundred and sixty-six, be so amended that from and after the passage of this act all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the constant personal aid and attendance of another person, shall be entitled to a pension of thirty-one dollars and twenty-five cents per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require constant personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month, from and after the fourth day of June, eighteen hundred and seventy-two. Approved June 8, 1872.

#### THE LAWS PASSED BY DEMOCRATS.

Contrast the above general law with the following for some of the same classes of disability, passed after the Democrats obtained control of the House of Representatives. They at once increased pensions where it was deserved:

AN ACT to increase the pension of certain pensioned soldiers and sailors who have lost both their hands or both their feet or the sight of both eyes in the service of the country.

Whereas, it is apparent that the present pension paid to soldiers and sailors who have lost both their hands or both their feet in the service of the country is greatly inadequate to the support of such as have families; therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That on and after the passage of this act, all soldiers and sailors who have lost either both their hands or both their feet, or the sight of both eyes, in the service of the United States, shall receive, in lieu of all pensions now paid them by the government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of seventy-two dollars per month. Approved June 17, 1878.

The next year they went a step further and passed the following:

AN ACT for the relief of soldiers and sailors becoming totally blind in the service of the country.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act of June 17th, eighteen hundred and seventy-eight, entitled "An act to increase the pensions of certain soldiers and sailors who have lost both their hands or both their feet, or the sight of both eyes, in the service of the country," be so construed as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States. Approved March 3, 1879.

AN ACT to allow a pension of thirty-six dollars per month to soldiers who have lost both an arm and a leg.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand and one foot, or been totally and permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the existing laws for each disability: *Provided,* that this act shall not be so construed as to reduce pensions in any case. Approved February 28, 1877.

AN ACT for the relief of certain pensioners.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all pensioners now on the pension rolls, or who may hereafter be placed thereon, for amputation of either leg at the hip-joint, shall receive a pension at the rate of thirty-seven dollars and fifty cents per month from the date of the approval of this act. Approved March 3, 1879.

These acts leave no doubt as to which party is the best friend of the soldier.

#### THE THREE MONTH'S EXTRA PAY TO MEXICAN SOLDIERS.

On the 17th day of January, 1878, Gen. Banning, from the Committee on Military Affairs, reported a bill to pay the officers and men of the Mexican war the three months extra pay allowed them by an act passed in 1848, after the close of

the war. Some of the officers and soldiers had not taken the pay at the time, and the right to do so had lapsed. The bill was to enable those to take it who had previously neglected to do so. The bill passed the House after a very brief explanation (*see Record, part 1, 45th Cong., 2d sess., p. 386*).

It was taken up in the Senate on April 18, 1878, and Mr. Maxey, who had reported it, asked for immediate action. Mr. Edmunds objected, apparently for no other reason than that the bill had something to do with the Mexican soldiers. In consequence of this objection the bill was not again reached until January 15th, 1879, in third session of the Forty-fifth Congress. The Senate committee had amended the bill, so as to include in its provisions also the officers, petty officers, seamen and marines of the United States navy employed in the prosecution of the said war.

Mr. Edmunds, upon whose objection the bill went over before, then offered an amendment to grant also three months' extra pay to the soldiers who had served in the suppression of the rebellion. As this amendment was in no sense germane to the bill, its offer could not have been intended for any purpose but to embarrass it, and it was so construed by the friends of the bill. It so complicated matters that the bill again went over (*Record, part 1, 3d sess. 45th Cong., pp. 451 and 452*).

It came up again on the 8th of February, and it was then passed, but not without opposition on the part of Senators Sargent and Edmunds and other Republicans. They insisted that the pension rolls were largely increasing year by year; but, underlying all their opposition, was a manifest indisposition to pass the bill because it would help the veterans of Mexico, the majority of whom resided in the South.

Mr. Maxey administered a pointed but well-deserved rebuke to this spirit of sectionalism by remarking that he and others who wore the gray in the late unpleasantness had cheerfully voted for pensions to the Union soldiers, because they believed it was right to do so, and they thought it right also to vote something to the old veterans who had fought their country's battles in Mexico (*Record, part 2, 3d sess. 45th Cong., p. 1121*).

The House subsequently concurred in the Senate amendment and the bill was passed, but the veterans who got the pay are under no obligations to the Republicans of either House for it.

#### SOLDIERS PROTECTED FROM EXORBITANT PENSION FEES.

In the second session of the Forty-fifth Congress, the House Committee on Pensions, with the view of protecting the soldiers from the pension claim agents, reported a bill fixing by law the fees they were authorized to charge. On motion of Mr. Fuller of Indiana, a Democrat, the charge was limited to ten dollars. The bill passed with but slight opposition in the House. It went to the Senate, where it was debated some time, Messrs. Conkling, Christiancy, Hoar, Dorsey and other Republicans arguing in favor of allowing the claim agents a larger fee. The bill passed, however, by a vote of 41 to 8, and more than one-half of those voting in the affirmative were Democrats.

Those voting yea were: Messrs. Allison, Anthony, Bailey, Barnum, Bayard, Beck, Booth, Bruce, Burnside, Butler, Cameron (Wis.), Cockrell, Conover, Dawes, Eaton, Eustis, Gordon, Grover, Harris, Hore, Ingalls, Johnston, Jones (Fla.), Jones (Nev.), Kellogg, Kiernan, Kirkwood, Lamar, McCreery, McMillan, Maxey, Merrill, Sargent, Salisbury, Saunders, Teller, Voorhees, Wadleigh, Wallace, Whyte, and Withers—41.

Of the above 22 are Democrats. The Senate at the time had a clear Republican majority.

Of the negative vote 7 were Republicans, and only 1 a Democrat.



Those voting were: Messrs. Christiancy, Coke, Conkling, Dorsey, Hoar, Mitchell, Paddock, and Spencer.

The Democrats in this, as in other cases, indicate their regard for the interest of the soldier (*see Record, part 5, 45th Cong., 2d sess., p. 4842.*)

#### THE LAW FOR FILING CLAIMS FOR LOST HORSES AND EQUIPMENTS.

Mr. De Bolt, a Democrat from Missouri, introduced a bill in the Forty-fourth Congress to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States. The bill was reported back promptly from the Committee on Military Affairs by General Cook of Georgia. It proposed to repeal the limitations which had been put on by the Republicans. The bill was general in its application and was intended to cover a large number of claims. It was liberal and provided that all claims for horses, or other property lost or destroyed in the military service of the United States, filed in the proper department after the first day of January, 1876, or before the passage of this act, shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

The bill promptly passed the House (*Record, part 5, 45th Cong., 2d sess., p. 4161.*)

When it went to the Republican Senate, what fate did it meet? It "slept the sleep of death." Such was Republican love for the Union officer and soldier.

The above cases are cited to show that in every instance where the real interest of the soldier was at stake, the Democrats were his friends, while Republicans threw impediments in the way of relief.

#### DEMOCRATIC AND REPUBLICAN RECORDS CONTRASTED.

The record of the Democratic majority of the House of Representatives since the commencement of the Forty-fourth Congress; that of the Democratic majority of the Senate, since the commencement of the Forty-sixth Congress, so far as relates to the soldiers, will bear the closest scrutiny. The verdict of every impartial mind, after the scrutiny, must be that the interests of the soldiers have been guarded more carefully, that more has been done for them in the brief time that the Democrats have been in power, than during all the long years of Republican domination in Congress. The whole Democratic party has been charged with hostility to the Union soldier, while the Republicans, with characteristic impudence and arrogance, have claimed credit for themselves as the special friends of the gallant men who periled their lives for the Union cause.

Compare the record of the two parties, and it will be found that the Democrats have been practical, while the Republicans have been theorizing. The Republicans promised; the Democrats performed.

It is not only in the matter of bounty and general pension laws that the Republicans have been derelict. They have falsified their professions that the soldier shall be preferred in filling the civil offices under the government. Laws to this end were passed one day, only to be broken or to be conveniently forgotten the next.

#### HOW SECTION 1754 HAS BEEN VIOLATED.

In 1865, just after the close of the war, the following law was passed:

Persons honorably discharged from the military or naval service, by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices (*s c. 1754, Revised Statutes*).

In grateful recognition of the services, sacrifices and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments (*sec. 1755, Revised Statutes*).

But, unfortunately for the poor soldier seeking employment, these laws were—

Like Dead Sea fruits which tempt the eye,  
But turn to ashes on the lips.

Examine the shameful record. Let Union soldiers everywhere look around them and see how the Republican party has kept its pledges! They will not fail to realize that they have been mocked at by the politicians who professed to be their best friends.

The laws above quoted were passed as far back as the Thirty-eighth Congress, when the Republicans had more than two-thirds in each branch. They soon became obsolete in practice. They were forgotten by Republican officials until the Democrats called attention to them.

#### THE DEMOCRATIC HOUSE RIGHTS THE WAY.

In the Forty-fifth Congress, the Committee on the Judiciary of the Democratic House of Representatives reported the following act :

*An Act to enforce by appropriate legislation the will of the people in regard to the disabled soldiers of the late war.*

Be it enacted, That whoever shall violate or set at naught any of the provisions of section 1754 of the Revised Statutes shall be punished by a fine not less than one hundred nor exceeding \$5,000, and by imprisonment not less than one month nor exceeding two years.

In the discussion of the bill some members expressed the fear that section 1754 did not apply to a certain class of soldiers, namely, the Veteran Reserve Corps, and in order that there might be no doubt of the intention of Congress, the following additional section was added :

SECTION 2. Nothing in the first section of this act, or in section 1754 of the Revised Statutes, shall be so construed as to exclude from appointment to office any soldier who was disabled in the line of duty and honorably discharged, or the widows or daughters of the killed or disabled soldiers.

This act passed the Democratic House on June 10th, 1878.

#### THE REPUBLICAN SENATE REFUSES TO ACT.

The Senate was at that time Republican. The bill was sent over to that body, when it was referred to the Judiciary Committee, and that was the last heard of it. Thus the pretended love of the Republicans for the Union soldier has always failed at some point. They neglected to enforce section 1754, and when the Democrats attempted to right a great wrong and compel the enforcement, the Republicans kicked the bill aside unceremoniously.

#### THE LAW NEVER REGARDED.

Let any one examine the record of Republican appointments, and he will find that the law has always been a dead letter. Take the City of Washington. Let any man go through the departments, and he will find that of the many thousand men in the employ of the Republican administration, a few only are disabled and crippled soldiers. The lusty politicians who never trained a gun on an enemy occupy the fat places. While the Republicans have thus ignored the duty imposed upon them by law, the Democratic majority in Congress has given ample proof that no reasonable measure for the relief of the Union soldier has suffered any neglect at their hands.

#### A SPECIMEN BRICK—THE RHODE ISLAND CASE.

An investigation recently made in the state of Rhode Island shows how much regard Federal officials had for the claims of the soldiers. The case is only an illustration of many others.

J. B. Greene, Augustus Woodbury and other honorably discharged soldiers and sailors of the United States and citizens of Rhode Island, in May, 1879, presented a memorial to Congress, alleging violations of sections 1754 and 1755 of the



Revised Statutes, in relation to the appointment of wounded soldiers and sailors to civil offices. In their memorial the petitioners say:

It is herein alleged that several honorably discharged soldiers have been within a short period dismissed the custom-house of the Port of Providence, Rhode Island. Their places have been filled by civilians with one exception, and mainly by the relations of Hon. H. B. Anthony. Several of these deposed veterans are and were ready to submit to a competitive examination. This privilege was denied them.

Gallant men, with dependent families, have been displaced to make room for mere striplings who were in swaddling clothes when these veterans were fighting the battles of their country; men whose sense of duty impelled them to the front in the late struggle are now forced to yield their well-earned places to men who were speculating in cotton or other merchandise during the late war. \* \* \* \* \* Your honorable bodies are respectively asked to interfere in behalf of the parties aggrieved.

Subjoined is the roster of the custom-house of the Port of Providence, Rhode Island; names of the civilians marked thus, X

Cyrus Harris X.....	\$5,000	Joseph T. Reed X.....	1,095
Edward P. Burrows X.....	3,000	D. M. Arnold.....	1,095
E. C. Ashley X.....	1,800	J. R. Skinner, soldier.....	1,095
Nathan Goff, jr., soldier.....	1,600	B. C. Allen X.....	900
Robert Perkins X.....	1,095	William S. Chase, soldier.....	1,095
George W. Pettis, soldier.....	1,095	— — —, boatman X.....	500
Master Burrows X.....	1,095	E. C. Pomroy, soldier.....	1,095
J. E. Burrows, soldier.....	1,095		
Total.....			\$22,655

A glance at the above names and figures shows that the civilians far outnumber the veterans. The money paid to the civilians is twice that paid to the veterans.

The memorial was referred in the Senate to the Committee on Civil Service and Retrenchment. The committee was subsequently authorized to investigate the charges, and were further authorized to sit during the recess of Congress. Accordingly, Senators Butler, Beck, Wythe and Rollins met at Newport in August, 1879, and there examined a large number of witnesses. They not only inquired into the charge that sections 1754 and 1755 had been violated, but also into allegations of the violations of the Civil Service rules made by the fraudulent administration.

The specific allegations and charges made in the memorial of the "discharged soldiers and sailors" were:

That sections 1754 and 1755 had not been obeyed, "especially in regard to appointments made for collection of customs dues at the district and Port of Providence;" that "the statutes have been violated, the rules of civil-service reform have been disregarded, and nepotism has been a marked feature in the selection of civilians to fill the places of discharged veterans;" and that "for a long time the interference of Federal officers at the polls at town, city and state elections has restrained men from the exercise of rights guaranteed by the Constitution."

#### THE LAW VIOLATED IN LETTER AND SPIRIT.

The committee say in their report:

Your committee are of the opinion that the testimony shows beyond dispute that sections 1754 and 1755 have been violated in letter and in spirit in "the appointments made for collection of customs dues at the district and Port of Providence;" that "persons honorably discharged from the military and naval service, by reason of disability resulting from wounds or sickness incurred in the line of duty," have not been preferred for appointments to civil offices;" but that, on the contrary, honorably discharged soldiers," though not suffering "under disabilities from wounds or sickness incurred in the line of duty," were "wounded" in the line of duty and honorably discharged after highly meritorious and gallant service during the war, have been removed, and their places filled by civilians wholly without a record of service in the army or navy.

Not only were these discharged soldiers thus supplanted, but it appears to your committee from the evidence entirely without proper cause, and in the face of the fact that "they were found to possess the business capacity necessary for the proper discharge of the duties of the offices" in which they were employed.

General James Shaw, Jr., the collector at the Port of Providence, was one of the officers removed. Mr. Cyrus Harris, who was never in the military or naval service, was appointed to succeed him. In response to the question of how long he was in the military service, Gen. Shaw testified as follows:

I entered the service the 26th of May, 1862; remained for three months; it was a three months' regiment; entered again the last of December, 1862, and was mustered out some time in July, 1863; that was a nine months' regiment. I was nearly eight months in it. I again entered the service in command of the Seventh United States Colored Troops in October of 1863, and remained until November, 1866. We were finally discharged at Baltimore, Md., November 16, 1866.

Q. What rank had you when you were mustered out? A. Colonel and brevet brigadier-general.

The testimony shows that Shaw was removed because he refused to contribute himself or ask his subordinates to contribute to a forced political assessment. Of his case the committee say:

It will not be doing justice in the case of General Shaw and others to say simply that "they were found to possess the business capacity necessary for the proper discharge of their duties."

By the concurrent testimony of all parties—importers, merchants, public officials and employees—General Shaw "possessed" the highest qualifications for the discharge of his duties as collector of the Port of Providence, and appears to have had the esteem and confidence of officials, superiors in rank, and the entire community within the range of which his duties were performed.

His military record was most honorable and meritorious, as presented to your committee, and yet he was displaced for no other cause than that your committee can discover—and an aged civilian politician appointed in his stead—than that he obeyed the Civil Service orders which had been promulgated by the head of his department, and refused to be assessed on the amount of his salary as a public officer for political purposes. If there was any other cause for his removal it was not made to appear.

It thus appeared that a soldier was displaced because he refused to violate the Civil Service rules of his superior officers, the President of the United States and the Secretary of the Treasury. Mr. CYRUS HARRIS, who never saw a gun fired during the war, appears to have been appointed chiefly on account of his personal or political influence, to succeed Gen. JAMES A. SHAW, who was a gallant soldier and a very efficient officer.

#### OTHER SOLDIERS KICKED OUT.

Major WILLIAM H. JOYCE was another soldier who was dismissed for no just cause. He was foreign inspector, weigher, gauger and measurer at the Providence custom-house, and had acceptably filled the office for eight years. Here is his testimony with regard to his service in the war:

William H. Joyce sworn and examined:

By the Chairman: Q. What is your age? A. Forty-five last July.

Q. Were you a soldier in the late war in the Union army? A. I was.

Q. Be good enough to state in what capacity. A. I entered the service on the first call of the President for state troops in 1861, in the First Regiment Rhode Island Detached Militia, under Colonel (now General) Burnside. Subsequently I was commissioned first lieutenant in the Seventh Rhode Island, promoted captain therein for gallantry at the battle of Fredericksburg, Va., and subsequently promoted major for gallant and meritorious services during the war.

Q. Why were you discharged? A. By reason of the termination of the war and my services being no longer required.

Q. When? A. June, 1865, I believe.

Q. Honorably discharged? A. Yes, sir.

The hardship to which this soldier was subjected by being dismissed and having a civilian appointed in his place was brought out by the following testimony elicited by Senator Beck:

By Mr. Beck: Q. I want you to state again your story as connectedly as you can. You are forty-five years of age, I understand? A. Yes, sir.

Q. You have a wife and five children depending on you for support? A. Yes, sir.

Q. State briefly your length of service in the war, the position you held, and the promotions made. A. I first entered as a private Company C, First Rhode Island Detached Militia; served the full term; was discharged by reason of expiration of term; re-entered the service as first lieutenant in the Seventh Rhode Island Volunteers; September 6, 1862, I was mustered in; was promoted captain in the December following—December 13, 1862—and subsequently promoted major.

Q. You were promoted for gallant services where? A. At the first battle of Fredericksburg, December 13, 1862.

Q. And again promoted major for gallant and meritorious services? A. Yes, sir, that is embodied in my commission.

Q. Those facts are set forth in your commission? A. Yes, sir.

Q. And you served till the end of the war? A. Yes, sir.

Q. Then you held two other positions, I understood you to say, which you did not name before? A. The first position I held on my return to civil life, I think, was assistant United States marshal for taking the census in 1870; the next position, I was appointed storekeeper in the internal revenue service. A short time after getting through with my duties as assistant marshal, while acting as storekeeper in this district, there was no particular duty for me to perform by reason of the distilleries to which I was assigned being closed up. The then internal revenue collector, Mr. Eames, deputized me as a deputy collector, and I performed duty as such and collected the internal revenue taxes on North Providence, and in this city a portion of them.

Q. Then you were appointed to the custom-house? A. I resigned my position as storekeeper. I was actively engaged as storekeeper when I did resign to accept a position in the custom-house tendered me by Collector Shaw.

Q. Was any fault found with you in the discharge of any of your duties either as soldier or civilian? A. I never knew of any.

Q. As either being dishonest or unfaithful or incompetent? A. I challenge the strictest scrutiny on that point.



Q. And no complaint was made against you when you were discharged in May last? A. None. I inquired for the reasons, but the collector peremptorily declined to give any reasons.

Q. You say your place was given to a man who had never served the country, that you know of, at least in the army? A. He could not have served; he was too young to serve at that time.

Q. A single man? A. Yes, sir.

Q. A former clerk of the collector? A. So I understand.

Q. Who was himself a civilian during the war? A. Yes, sir.

(Senate Report No. —, 46th Cong., 2d sess., p. 72.)

Major Joyce, it appears, was also unwilling to contribute to a forced assessment, and consequently his official head rolled into the basket.

Capt. HENRY A. GREENE, a coastwise inspector, was also dismissed as soon as Cyrus Harris took possession of the office of collector. There were no charges of dereliction of duty against him. His place was wanted for some one else. Of these cases of Joyce and Greene, the committee say in their report:

What has heretofore been said in General Shaw's case is largely true of Major Joyce and Captain Greene, who were likewise honorably discharged soldiers, and, moreover, competent and faithful public servants. They, too, were removed without proper cause, and a civilian who had done no military service during the war was appointed in the place of Major Joyce, who was wounded in service and promoted for gallant and meritorious conduct.

Major Pomeroy, appointed in Captain Greene's place, was a Union soldier of good military record and was wounded in action, while Captain Greene was engaged in less important service, principally on the Indian frontier, and was in no engagement in the field, and therefore in his case the statute has not been violated.

Many other facts might be recited from the evidence relating to the discharge and appointment of employees in the Providence custom-house, to the pernicious practice of the present collector in permitting his subordinates to engage in other business avocations while they are employed by the government, to which, by the nature of their contracts, and for the best interest of the public business, they owe their undivided service.

But it is not deemed necessary to recount them in order to sustain the proposition that the above recited sections of the Revised Statutes and the Civil Service rules and orders have been violated and disregarded, as set forth in the memorial.

Other facts were brought out by the committee showing violation of the statutes referred to, and also of the Civil Service orders of the fraudulent administration. All the facts clearly indicated that the Republicans' professions of love for the soldier, and their desire to have him occupy places of honor, trust and profit, were mere lip service. The Rhode Island case was but one of many. The same condition of things exists elsewhere, and an investigation only is needed to bring out the utter heartlessness of Republican professions of love for the soldier.

#### ANOTHER REPUBLICAN DISCRIMINATION AGAINST SOLDIERS IN CIVIL EMPLOYMENT.

In 1865 Congress, both branches being then largely Republican, passed an act which was entitled

An Act supplementary to the several acts relating to pensions.

The first section of that act contained this proviso:

*Provided* that no pension should be allowed to any person as an invalid for any period of time during which he received, or has become entitled to receive, for services to the United States government in any capacity, the full pay which able-bodied officers or employees rendering like services are allowed by law.

This proviso remained on the statute book for one year and more. It virtually struck from the pension rolls every wounded soldier, no matter whether he had lost an arm or a leg, who had been fortunate enough to obtain civil employment under the government. The proviso created much righteous indignation among the soldiers and their friends, and in June, 1866, the proviso was repealed. But no pension was made to reimburse the soldiers who had been deprived of their pensions between the date of the enactment of the proviso and its repeal.

#### THE DEMOCRATIC HOUSE RIGHTS THE WRONG.

On May 24, 1878, Gen. A. V. Rice, of Ohio—a gallant soldier who left a leg upon the field of battle, a Democrat tried and true, and one of the best friends the soldier ever had in Congress—reported a bill to remedy a wrong which the Republicans had left uncorrected on the statute book for twelve years. The bill was entitled

An Act relating to soldiers while in the Civil Service of the United States.

The bill gave the pensioners the pensions of which the Republicans had deprived them. It provided as follows :

That all persons who, under or by virtue of the first section of the act entitled an Act supplementary to the several acts relating to pensions, approved March 3d, 1865, were deprived of their pensions during any portion of the time, from the 3d day of March, 1865, to the 6th day of June, 1866, by reason of their being in the Civil Service of the United States, shall be paid their said pensions, withheld by virtue of said section, for and during said period of time.

This bill passed the Democratic House without a murmur of opposition (*see Cong. Record, part 4, 45th Cong., 2d sess., p. 3757*).

It went immediately to the Republican Senate, where the majority, which claims to have such supreme love for the soldier, let it lay until February, 1879, when the House bill was taken up and passed.

The bill originated in a Democratic House, it was pushed to a passage by a Democratic representative, and but for his action and that of his fellow-Democrats the pensioners who were deprived of their money in 1865 would still be without it. In all their years of power the Republicans never thought of doing this simple act of justice.

#### ANOTHER DEMOCRATIC EFFORT TO SECURE CIVIL EMPLOYMENT FOR SOLDIERS.

In the regular Annual Pension Appropriation Bill for the fiscal year ending June 30, 1879, which passed the House April 11, 1878, Gen. Rice of Ohio offered an amendment, which was adopted by the Democratic House, providing that from and after July 1st, 1878, the office of pension agent should be filled by wounded or disabled Union soldiers. It seemed to the Democratic House eminently fit and proper that the money disbursed for the benefit of soldiers should be distributed by soldiers. Besides that, it opened up a new avenue of employment to a number of the veterans (*see Cong. Record, vol. 7, part 3, 45th Cong., 2d sess.*).

The bill was taken up in the Senate on May 6th, 1878, and the Senate Committee on Pensions moved to amend the House amendment by directing the President to *give preference* to wounded and disabled Union soldiers in the appointment of pension agents.

The amendment of the House, as well as the proposed amendment of the Senate committee, was opposed on the ground of unconstitutionality. It was argued that Congress could not instruct the President who to appoint. As an answer to this the fact was pointed out that in appointing judges, the President necessarily confined himself to the legal profession; that in appointing surgeons he was confined to the medical profession, etc., and that there was therefore no impropriety in directing him to confine himself to a certain class in the appointment of pension agents.

#### SENATOR INGALLS' TRIBUTE TO THE DEMOCRATIC HOUSE

In the course of the debate, Senator Ingalls, a Republican, said :

At the other end of the Capitol is a House which is frequently alluded to as the House of the Confederate Tragedies. They have no unconstitutional scruples about declaring that Union soldiers shall administer the pension agencies of this country. The men who have served in the rebel army, and have had their disabilities removed and have come to Congress, pass a section to a bill expressly declaring that the powers and duties of those offices shall be exercised by disabled, wounded and honorably discharged Union soldiers. But when the bill came to the Senate, a portion of the gentlemen of that faith, and a portion of the gentlemen of the opposite political faith, come together in a body that is ostensibly Republican, and find a great many constitutional scruples about the power of the Executive to appoint Union soldiers to office. \* \* \* The Senate, nominally Republican, attacks a section that comes from the House, actually Democratic. That body, controlled very largely by the sentiment known as the Confederate during the war, have sent to us an open, manly declaration that the duties of these offices shall be discharged by wounded and disabled Union soldiers. \* \* \* If Democrats and Confederates, as they are called by the public press, can find no constitutional difficulty about this matter, it seems to me that we ought not to be particularly troubled upon the point (*see Record, May 6, 1878, part 4, 45th Cong., 2d sess.*).

Senator Ingalls, in the extract above quoted, recognized and confessed the fact that the Democrats, including the "Confederate Brigadiers," were more



disposed to do equal and exact justice to the Union soldier than the Republican Senate was.

The House clause was amended so as to provide that in case of a vacancy from any cause, the office of pension agent shall be filled by wounded or disabled Union soldiers, or the widows or daughters of Union soldiers.

When the bill went back to the House it was sent to a conference committee, and as the committee could not agree upon the construction of that clause, it was dropped out entirely. Thus the good intentions of the Democrats toward the Union soldiers were defeated, because the Republican Senate, in the language of one of their own Senators, "had constitutional scruples about the power of the Executive to appoint Union soldiers to office."

## THE REPUBLICAN INSULT TO THE MEXICAN VETERANS.

At the regular monthly meeting of the Associated Veterans of the Mexican War, held in this city, on Saturday, July 3d, the following resolutions were adopted:

Whereas, when the constitution and by-laws of this association was formed, in 1873, party politics were ignored as forming no part in the objects and aims of the society, it being then the desire and intention to accord to every member perfect freedom in action and belief in all political questions of the day. But in the course of human events circumstances sometimes alter cases. The time has now come, in the opinion of this body, for a temporary suspension of this rule, and for taking a new departure in the interest of our comrades. It is well known that leading Republican Senators and members of Congress have latterly indulged in unmitigated abuse, malignant falsehood, and bitter contempt of our old comrades in arms whenever our friends sought occasion to have our humble claims to recognition on the pension roll of honor considered in those legislative bodies. They have repeatedly heaped insult and contumely, in a most ungenerous spirit, upon the heads of old soldiers of the republic, whose pretensions to recognition by the Pension Office on a footing with other pensioners were indorsed by twenty-five state legislatures, and a leading Republican Senator, who presided over the Republican Convention at Chicago, offered, as a proviso to the bill before the Senate, that before the Mexican veterans shall be pensioned they shall first make oath and prove themselves paupers! Self-respect and the common instincts of manhood, therefore, require of us that we should combine our influence, and endeavor to enlist in our cause, by an earnest appeal, the sympathy and aid of our fellow-soldiers of all wars in which the country has been engaged, who have a common heritage in the glory and prosperity of the nation, to properly rebuke this arrogant party, grown insolent by overfeeding at the public crib, at the polls, in the forthcoming contest for political supremacy; therefore,

*Resolved*, That we recommend to our kindred associations of Mexican veterans through ut the United States to organize campaign clubs, and cordially invite the ex-soldiers of the Republic in the North and in the South, in the East and in the West, to enroll their names with us and rally around the old flag as a grand army of American warriors, in support of the nominee of the Democratic party for the presidency, General Winfield Scott Hancock, a gallant soldier and statesman, in whom every patriot who ever bore arms in defense of what he honestly deemed to be right, may with confidence hope to find a friend and wise counsellor.

*Resolved*, That a copy of these resolutions be furnished for publication in *The Vidette*, and to the press of the country, and we earnestly recommend their adoption by the associations of veterans of Mexico in every state of the Union.

JAMES W. DENVER, President.

A. M. KENADAY, Secretary.

It is not at all surprising that these veterans should have taken this stand. It would have been surprising if they had not. They have been treated most shamefully by the Republicans in both branches of Congress. They have not only been refused a place on the pension rolls, but the Republicans have gone so far as to attempt even to deny their cause a respectful hearing by voting time and again against taking up their pension bill.

James A. Garfield was always among those who refused to do justice to these brave men. It would, therefore, be the sublimity of impudence for Garfield or his friends to appeal to a single Mexican soldier for his vote. Before the Democrats came into power in the House no attempt was made to pension the veterans. The Democrats in Congress stood as a solid phalanx in favor of pensioning them. The Republicans refused to pension the Mexican soldiers, because they hoped to make political capital out of the fact that the bill might pension a few who were not on the Union side. Once in the Forty-fourth Congress, when the Democrats had an overwhelming majority in the House, a bill was passed through that body, after much difficulty and many delays. But the Republican Senate killed it by indirection.



## LEGISLATION IN THE FORTY-FOURTH CONGRESS.

Early in the Forty-fourth Congress a number of bills were introduced and referred.

Granting pensions to certain soldiers and sailors of the Mexican, Florida and Black Hawk wars, and to certain widows of deceased soldiers of the same.

On February 24, 1876, Mr. Hewitt, of Alabama, reported a substitute, embracing the features of all the bills, and moved to make it a special order for a certain day.

Mr. Kasson, Republican of Iowa, objected (*see Record, vol. 4, part 1, 1st sess. 44th Cong., page 1268*).

On May 3d, Mr. Hewitt succeeded in having the bill assigned for the 19th of that month, but in consequence of objections and other business, it was not taken up on that day (*Ibid., part 3, page 2917*).

It was not reached again until the second session of the Forty-fourth Congress. On January 4th, 1877, it was taken up and passed (*Record, vol. 5, part 1, 2d sess. 44th Cong., pp. 427-432*).

It went to the Republican Senate, where it was referred, and killed in committee.

## LEGISLATION IN THE FORTY-FIFTH CONGRESS.

Early in the first session of the Forty-fifth Congress (called session) Mr. Hewitt reintroduced the bill. It was reported back January 17, 1878, and Mr. Hewitt tried to have a day fixed for its consideration.

Mr. Conger, Republican, of Michigan, objected to it (*Record, vol. 7, part 1, 2d sess. 45th Cong., p. 384*).

On February 14th Mr. Hewitt succeeded in getting the bill up in committee of the whole House, and tried to limit debate. The Republicans objected. They were determined to talk it to death. They pretended that their principal opposition to the bill arose from the fact that if it was passed Jefferson Davis would be placed on the pension rolls. In order to meet this objection the friends of the bill were willing to add a clause

that the provisions of this act shall not apply to any person while under the political disabilities imposed by the 14th amendment to the Constitution of the United States.

Even this did not satisfy the opposition, and their refusal to accept the proposition was the best evidence that Jefferson Davis' name was used merely as a blind, and that the real opposition was to the Mexican soldier (*Record, vol. 7, part 2, 2d sess. 45th Cong., pp. 1038, 1047*).

## GARFIELD SHOWS HIS HAND.

February 25th Mr. Hewitt again moved to go into committee of the whole on the bill. On this occasion the Republicans resisted that motion and demanded the yeas and nays. The motion prevailed by a vote of 174 to 51.

The negative side was as follows :

Messrs. Bacon, Ballou, Bayne, Blair, Brewer, Briggs, Burdick, Camp, Campbell, Clark (Iowa), Cox (Ohio), Cummings, Danford, Deering, Dwight, Ellsworth, Erret, Field, Foster, GARFIELD, Hardenburgh, Hendee, Hiscock, Humphrey, Hungerford, James, Jones (N. H.), Keightley, Lapham, Lathrop, Lockwood, McCook, McGowan, Monroe, Patterson (Col.), Patterson (N. Y.), Rice (Mass.), Robinson (Mass.), Sampson, Starin, Stone (Mich.), Stone (Iowa), Strait, Townsend (Ohio), Townsend (N. Y.), Wait, White (Pa.), Williams (Wis.), Williams (Del.), Williams (Oregon) and Willets.

In committee the Republicans again tried to talk the bill to death. They would not permit a vote to be reached (*Ibid., pp. 1315, 1321*).

The same thing occurred on February 26th, 27th and 28th. The friends of the bill tried hard to pass it, but the Republicans always resisted successfully, either by debate or by dilatory motions. The result was that the bill went over until

the next session. Then the Republicans repeated their tactics to defeat the bill, and on every yea-and-nay vote JAMES A. GARFIELD is recorded as voting against the bill (*see Record, vol. 8, part 1, 3d sess. 45th Cong., pp. 440, 441, 447*). This was the short session of Congress, and the Republicans by their conduct were successful in preventing any action. The bill was consequently lost.

Early in the Forty-sixth Congress bills were introduced in both Houses. In the House it is on the calendar. Several attempts were made to take it up, but the Republicans individually objected. In the Senate the bill was discussed, but no vote was taken. General Williams, of Kentucky, made an eloquent speech in behalf of his old comrades. Other Democrats spoke in the same strain. The Republicans denounced the bill, as usual, and, as the Mexican veterans say in their resolution, they took the ground

that before the Mexican veterans shall be pensioned, they shall first make oath and prove themselves paupers.

It is not at all surprising, therefore, that the old soldiers should be indignant and that they should espouse the cause of their old companion in arms, Gen. Hancock.

GARFIELD and his party friends are unworthy of a single consideration at their hands.



## THE REBEL BRIGADIER:

DANGEROUS AS A DEMOCRAT—FIT FOR THE HIGHEST HONORS AS  
A REPUBLICAN—RADICAL DEMAGOGUISM—THE SOLDIERS'  
ROLL OF THE CONFEDERATE CONGRESS.

Since the Democrats came into control of the Senate and House, the Republican speakers and press have persistently represented that the Democratic party in its appointments of employees of Congress had shown its hostility to the Federal soldier. Repeated denials accompanied by conclusive evidence did not stop the misrepresentation.

In 1879 the Republican party of Ohio, in nominating as their candidate for governor a man who staid at home during the entire war and never exposed himself to a moment's danger, saw fit, in connection with that nomination, to indulge in a hypocritical gush against the abuse which Federal soldiers were receiving from the Democratic party. They passed the following resolution:

*Resolved*, That the memory of our dead heroes who gave their lives to save the nation from destruction protests against the expulsion of their living comrades from public offices to gratify the partisan purposes of the dominant party in Congress.

One would suppose from the loud pretense of Republican love for the soldiers that at least every other man officially connected with the Republican Senate and Republican House was a discharged and wounded veteran. When the Senate was turned over to the Democratic party there were found just six wounded soldiers on its rolls and no more, out of one hundred and fifty employees. Under Democratic rule the six are still in the employ of the Senate.

In regard to the employees of the House the following statements carry their own story:

DOORKEEPER'S OFFICE,  
HOUSE OF REPRESENTATIVES, UNITED STATES, }  
Washington, D. C., June 6, 1879.

I certify on honor that there are now upon the rolls of the Doorkeeper's Department, House of Representatives, my appointees, twenty gentlemen who served in the "Union Army" during the late war. Of this number is Colonel Baker, chief of document-room, one of the most responsible positions in the House; a second is Captain Knight, assistant doorkeeper, appointed by me to that place for the reason that he was a Union soldier.

CHARLES W. FIELD.

ENGINEER'S DEPARTMENT, HOUSE OF REPRESENTATIVES, June 5, 1879.

There are employed in the engineer's department of the House of Representatives two persons who served in the war for the Union, namely, William Lannan, chief engineer, who served in the navy, and S. J. Davenport, who served in the army.

WM. LANNAN, Chief Engineer, House of Representatives.

CLERK'S OFFICE,  
HOUSE OF REPRESENTATIVES, UNITED STATES, }  
Washington, D. C., June 6, 1879.

There are employed in the office of the Clerk of the House of Representatives five ex-Union soldiers, among whom are Hon. George M. Adams, Clerk of the House, and Henry H. Smith, journal clerk.

GREEN ADAMS, Chief Clerk, House of Representatives.

The soldier roll at this hour, with the Democratic party in the ascendancy

in both branches of Congress, under the control, of "Confederate brigadiers," to use a hackneyed phrase, shows a better patronage bestowed on the Union soldier than it did when the Republican party had unlimited sway.

The Democratic party has been arraigned for the present composition of the Senate. Senator Conkling in a speech delivered in the Senate said:

Twenty-seven states adhered to the Union in that dark hour. Those states send to Congress two hundred and sixty-nine Senators and Representatives. Of these two hundred and sixty-nine Senators and Representatives, fifty-four and only fifty-four, were soldiers in the armies of the Union.

He is now speaking of the House as well as the Senate:

The eleven states which were disloyal send ninety-three Senators and Representatives to Congress. Of these, eighty-five were soldiers in the armies of the rebellion, and at least three more held high civil station in the rebellion, making in all eighty-eight out of ninety-three.

Let me state the same fact, dividing the House. There are but four Senators here who fought in the Union army. They all sit here now; and there are but four. Twenty Senators sit here who fought in the army of rebellion, and three more Senators sit here who held high civil command in the Confederacy.

Since the war closed four Senators have been elected in the State of New York by Republican legislatures. Each time that party had an opportunity to send somebody here who had shed his blood or offered to shed it in the war for the Union. Four times they refused to do it, three times by sending Mr. Conkling, and once in sending Mr. Fenton. Four times the party of which the Senator is leader and king in his own state had a chance to select as Senator some soldier who had adorned the history of New York by his valor, who had been conspicuous by his heroism, who had faced the belching batteries of the enemy, and yet each time the towering figure of Conkling himself intercepted the soldier's hopes. Those who wore the blue went to the rear while the tall plume of the civil chieftain went to the front; and yet he now rails at the Democrats for not filling the Republican seats in the Senate with Union soldiers. Amazing spectacle!

Senator Blaine has made constant assaults on the Democratic party for its alleged hostility to Federal soldiers. He, too, has been disturbed because there are so many men on one side of the Senate Chamber who have periled their lives in battle and so few on the other. If the fact is to be deplored, then why comes the Senator from Maine. Why does he not yield to some gallant soldier from the Pine Tree state?

But there have been in the state of Maine five elections for Senators since 1865, each time resulting in the choice of a Republican Senator. Are there, in fact, no soldiers in that state to send to the Senate? Is there nobody there fit to be a member of this body who wore the blue during the war? If there is, and he has been jostled aside by the superior ability, artifice or ingenuity of the Senator from Maine, certainly that Senator ought not to reproach the Democrats for his own grievous fault. Five times the state of Maine has had the chance to do honor to some soldier in her borders, and five times she has done nothing of the kind, and thus she has added five conspicuous illustrations of the dire hypocrisy, the vile sham, and black, false pretense of the Republican party in its pretended love for the Federal soldier. The "home guards" are there in force. The proper order of things is reversed. The rear ranks are to the front, and the front ranks have gone to the rear. And now these rear men in war and front men in peace fill all the air with a dismal cry over the injustice which they themselves have inflicted on the soldier.

The Republican party in common decency ought to be silent on the subject, because they have had a hundred chances, taking all the states throughout the North together, to remedy the very evil they rail about. The Republican party



of Indiana, with all of its clamorous outcry for the Union soldier, and its love for the soldier, always pushed the soldier aside and sent men to Washington who never faced the enemy. The Union army is as well represented on the floor of the Senate and House now, so far as Indiana is concerned, as it ever was.

Vermont has held seven senatorial elections since the war closed. There could not have been any soldiers in that state, or some one might have been found in seven trials. The state is not large; the population is not extensive. Seven times a Senator was called and seven times a civilian answered and was chosen. Seven times the roll of public merit has been called of those who deserved well of their country; and seven times the eager, hungry, stay-at-home, home-guard politician has rushed to the front, seized the prize, and the soldier has staid at home. He goes not to the Senate from Vermont.

Massachusetts sent one hundred and fifty thousand troops to the field. Since the war it has six times held a senatorial election, and no soldier was elected. The hypocritical policy of the Republican party is thus fully illustrated.

Let us see, however, about this dangerous person called the Confederate brigadier. Who is responsible for the introduction of the Confederate brigadier to the theater of national politics? Southern gentlemen are in Congress because they thought the country was restored to its normal relations; that the states were rehabilitated under the Constitution; that each state had the right to select its own representatives in both branches of Congress, and that they were not compelled to ask leave to come of any set of men from any part of the country.

They are right in being there. They are met, however, by a party with a violent unwelcome, with abuse and denunciation hurled as a key-note to party warfare by the great Senator from New York, and followed up by all the Senators on his side of the Chamber. There is something due to history on this subject. Is the Confederate soldier unfit to take part in the affairs of this government; or, is it in fact only the Confederate soldier who votes the Democratic ticket to whom they object? Is it the Confederate soldier *per se*, or does the objection to him only arise when he votes the Democratic ticket? If a Confederate soldier votes the Republican ticket, and indorses all the rascality that overwhelmed the South as a deluge during carpetbagism, do they not embrace him? None such have ever been cast out by the Republican party. On the contrary, all such have had seats of dignity and robes of honor assigned.

#### THE ROLL OF HONOR.

Grant appointed Brigadier-General Amos T. Akerman, of Georgia, to a seat in his Cabinet. A majority of the Republican Senators in the Senate to-day on their oaths voted to confirm as the first law officer of this government. They gave it to him to construe the Constitution, to interpret the laws, to render decisions binding for years, and perhaps for all time. General Grant put into the hands of Confederate Brigadier-General Amos T. Akerman the portfolio of justice, and a Republican Senate confirmed him; and why? Not because he was greatly learned in the law. Nor did they object that he had carried a sword, and killed whom he could, under the Confederate flag; he voted the Republican ticket, and that was enough; it washed away all his sins, and made him clean and pure in their eyes, though his sins had been as scarlet before.

The present administration has confided one of its very important Cabinet portfolios to another Confederate brigadier, Postmaster-General Key. It not only thus took him to their heart, but has provided that during his life or good behavior he shall sit as a United States judge to construe the law of the land. General Key, in the Senate, just before he was made a member of the Cabinet, in a speech said:

And on this testimony, the falsehood of which is so apparent on its face, a state is to be disfranchised, and a President whom the people never elected, is to be placed in office.

Within but a few days of his appointment and confirmation, he not only announced that the present President of the United States was not elected President by the people at all, but further, that there was a plot to foist him into that office by disfranchising a state through the instrumentality of wholesale falsehood. He has never recanted this truthful statement. He has agreed to vote the Republican ticket, and doubtless he does so. It was on that condition that a Republican Senate confirmed this Confederate brigadier with an additional handicap in the shape of the speech quoted from above.

Going south of the Potomac one can still further illustrate the shameless, false pretensions of the Republican party on this subject. A Federal judge (Judge Hughes) is holding an office for life in Virginia. He was an original secessionist and the editor of a secession paper when the war broke out. He now construes the law over a large and intelligent population.

They have welcomed Confederate officers to the bench and to the Cabinet; they have welcomed them to foreign missions; they have welcomed them to official positions of every description, on the one sole condition that they would vote the Republican ticket. Party politics control this whole matter. When they vote the Republican ticket they are "loyal" brigadiers; when they vote the Democratic ticket they are "rebel" brigadiers.

Here, next, is another Virginian, John S. Mosby. Who was John S. Mosby? One time, it was a question whether his surrender would be received, whether he would be accepted as a prisoner of war, or whether he should be outlawed from that general amnesty which the government was then extending. There was a time when the name of Mosby paled the faces of men in the Capitol. There was a time when it was supposed he fought under a black flag, and that it could sometimes be seen from the dome in the soft sunlight on an afternoon. It was thought that his warfare partook of the nature of the guerilla, and such a belief largely prevails to this hour. But all is forgiven now; not only forgiven, but verily this most offensive Confederate warrior has rich reward. He embraced radicalism, and it in turn embraced him. Instead of some wounded Federal soldier occupying the position, the Republican Senate has confirmed John S. Mosby as consul at Hong-Kong, and he is now an American representative to the oldest empire on earth; he is among the Celestials.

The traveler in passing through Virginia naturally visits North Carolina next. Let us do the same. Thomas Settle, of North Carolina, is now a district judge of the United States, a life office of rank and importance. He was an officer of the Confederate army; he was a secessionist; he fought the battles of secession; he turned to be a Republican, and was made president of the Republican National Convention which nominated Grant in 1872 at Philadelphia. Afterward he was made minister to Peru, and he now occupies a high judicial station. The most profitable speculation a man who fought in the Confederate army can now engage in is to advertise himself ready to enter the ranks of the Republican party at a fair compensation.

Governor Holden, of North Carolina, was an original secessionist and a signer of the ordinance of secession which took North Carolina out of the Union. The Republican party, as soon as he had joined its ranks, made him governor of the state. He remained governor until he was impeached; but proven crimes did not seem to disgrace him with Republicans. Since then he has been appointed postmaster at Raleigh and confirmed by the Senate, and he is there now at a good,



wholesome salary. Every weak or treacherous man in the South who for shams or for love of gain desires to abandon his friends and prey upon his own people is thus rewarded.

Take the Barringers; one of them is a United States judge in Egypt. They were Confederates; they are Republicans now, and they are cared for.

The United States district attorney of North Carolina, Mr. Lusk, was an officer in the Confederate army, and he was confirmed here. He was confirmed by Republican Senators.

James L. Orr, of South Carolina, was once speaker of the House of Representatives. He went into secession and armed rebellion, and was a Confederate officer. He afterwards joined the Republican party; and what a place they gave him! They made him minister to Russia, one of the four first-class missions, and this Confederate officer received it as his reward for joining the Republican party. Colonel Northrup of North Carolina is now United States district attorney. He was an officer in the Confederate army. In Mississippi let us see how the Republican party has managed its affairs. Major Morphis was the most prominent scout of General Stephen D. Lee's command, and he is now the United States marshal for the Northern district of Mississippi.

Captain G. W. Hunt was an aid to General Hardee, and he is now United States marshal for the Southern district of Mississippi. Ah! how the good things come to the regenerated! Thomas Walton—I knew him; he is in his grave, and peace to his ashes—was an aid to General Longstreet. He was appointed United States district attorney; and after his death he was succeeded by Green Chandler, a Confederate officer, who was at that time United States mail agent, and is now United States district attorney in the place of Walton, deceased.

Colonel G. W. Henderson was a colonel of cavalry in General Chalmer's division. He is now receiving the reward of his services as a United States revenue collector; and in order to make Republicans feel proud of their party in Mississippi, and to finish up the work properly, it only remains to state that the Republican candidate for state auditor in 1875 was Captain Buchanan, captain in the Second Missouri Cavalry at Fort Pillow. He is said, according to all accounts, to have fought fiercely in that memorable battle. Yet he received all the votes the Republican party had to give, as well as the prayers of his Northern friends who could not get to the polls to vote for him. With what devout aspiration Northern Republicans hoped for his success, and we have no doubt he could prove that he would have been elected if his supporters had not been bulldozed. Yes, he was a captain fighting at Fort Pillow under the Confederate flag. The leaders of the Republican party as the representatives of indignant loyalty against Confederate brigadiers take to their bosoms this Confederate officer, who bathed his sword in their blood at Fort Pillow.

There never was before a fountain of grace so wide, so deep, so exhaustless, so spontaneous in its unceasing flow, as that of the Republican party to Confederate officers, if they will only vote the Republican ticket!

Take Louisiana. We see one who was long in office there and who has made a great and bloody figure in history; a man of commanding military capacity—General James Longstreet. General Grant made him surveyor of the port of New Orleans, took his bloody hand in his—not only forgave but rewarded him, not only welcomed him, but said, "Come up higher." Who was Longstreet? Those who fought in the Wilderness speak of the dreadful shock of battle when they encountered Longstreet's corps, and the blood ran in rivulets. No braver, harder fighter ever drew sword or encountered our Union armies than Longstreet. He

was educated for a soldier by his government, and he cost it more lives than any other one man who commanded no more than a corps in the Confederate army. Who was Longstreet at Gettysburg and at Antietam? An educated American soldier fighting with desperate courage to destroy our government.

When the history of the late war shall be written, alongside of the names of Gordon and Stonewall Jackson, of Joseph E. Johnston and Albert Sidney Johnston, will be written the military achievements of James Longstreet. Yet nothing stood between him and civil preferment the moment he was willing to turn his back upon his old comrades, who had shared with him the bloody charge, the nightly bivouac, and the overwhelming disaster that fell upon them all at the close.

It is proposed to

APPEAL FOR FAIRNESS,

for common honesty and common decency. It is not intended that the record shall be made up in the interest of injustice. It is not in the power of Republican Senators to make it up in the way they propose, for the truth is not their way. Their accusations shall recoil on their own heads. Their charges rest upon false foundations. If there is guilt at all on this subject the leaders of the Republican party are themselves the guilty parties.



## THE NEGRO EXODUS.

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In the fall of 1878 public attention was attracted to the wholesale importation of negroes from certain Southern states to the Northwest. Kansas was first selected as the objective point of the exodus. The migration began from the states of Mississippi, Louisiana, Arkansas and Texas. Companies of negroes, destitute of clothing, furniture and money, appeared upon the various landings along the southern Mississippi and embarked in steamboats for St. Louis. A great majority of the emigrants had no idea where their future homes were to be. Emissaries of the Republican party had visited them in their cabins and had followed them through the rice, cotton and sugar fields of the South, tempting them, with promises seductive and false, to leave their homes and move to the North. Tales extravagantly untrue were told them of fortunes to be made without work in the Western states. All were to be given easy employment at wages which, to the uneducated negro, seemed fabulous in amount. They were told that the white men of the North were waiting with open arms to receive them. Bible illustrations, which always impresses the mind of the negro, were used to promote the scheme. A new Canaan was promised, with a modern Moses to lead them into a land of milk and honey. They were promised from 80 to 160 acres of good land apiece, and assistance in the construction of houses and the purchase of stock. It is not strange that these tempting offers were eagerly embraced. Comfortable cabins were deserted, the women and children, scantily clad, were moved to the nearest railway stations and steamboat landings, and the natives of the warm South set forth to endure the rigors of a cold northern winter, ignorant of what the future had in store for them, but with blind confidence in the promises of their seducers.

### WHAT ATTRACTED PUBLIC ATTENTION.

The first idea the people of the North had of the extent of the exodus was the cry which came from the municipalities of St. Louis, Kansas City and Leavenworth. The emigrants were arriving in those cities by scores daily. They were for the most part utterly destitute. Sicknes spread among them. They cried for bread. The men who had enticed them from their homes could not be found. The negroes, like a flock of frightened sheep, ran hither and thither trying to learn where the Canaan they had been promised was situated, and what Moses could be found to pay their railroad fares into the promised land.

The citizens were sorely taxed to prevent the innocents from dying of cold and starvation. Proclamations were issued by the mayors, and an attempt to stop the exodus was made. Many of the negroes who were provided with funds returned to their homes. Others were given assistance to return. The stories told of their treatment dissuaded many of their friends from emigrating, but it was found impossible to entirely stop the tide. The radical press of the

North encouraged the exodus. It represented the negro as a martyr, denied the natural rights of man, defrauded, oppressed and discriminated against in the race of life, liberty and happiness, followed by bloodhounds, hunted with shot-guns and outraged beyond description. In strange contrast with this bloody-shirt howl were heard the voices of the white people of the South urging the negro to remain at home, warning him of the dangers and trials to be undergone in emigrating to an unknown land in a different clime.

#### REPUBLICAN LEADERS SEEK TO TURN THE EXODUS TO ACCOUNT.

The Republicans in Congress also encouraged the exodus. The leaders of the party were in the secret of the trick which had for its sole purpose the manipulation of the negro vote in the states where Republican supremacy was endangered. On the 16th of January, 1879, Mr. Windom introduced in the Senate the following resolution :

*Resolved*, That with a view to the peaceful adjustment of all questions relating to suffrage, to the effective enforcement of constitutional and natural rights, and to the promotion of the best interests of the whole country, by the elimination of sectionalism from politics, a committee of seven Senators be appointed by the chair, and charged with the duty of inquiring as to the expediency and practicability of encouraging and promoting by all just and proper methods the partial migration of colored persons from the states and Congressional districts where they are not allowed to freely and peacefully exercise and enjoy their constitutional rights as American citizens into such states as may desire to receive them and will protect them in said rights, or into such territory or territories of the United States as may be provided for their use and occupation ; and if said committee shall deem such migration expedient and practicable that they report by bill or otherwise what in their judgment is the most effective method of accomplishing that object ; and that said committee have leave to sit during the recess.

In February following Mr. Windom made a speech on this resolution, in which, after flaunting the bloody shirt, he said :

If it should cost a few millions to provide the territory for them, who would weigh that fact in the balance against a solution of the most perplexing and dangerous problem that menaces our future as a nation, the performance of partial but tardy justice to a race, and the permanent pacification of the country ?

Again, he said :

Let it be understood that such a place is ready for them, and the bishops and ministers of their various churches will head the exodus to the promised land with songs of praise and devout thanksgiving to God for this mighty deliverance. Do you say they are too poor to pay the expenses of the proposed journey ? Doubtless the great majority are so, but the enterprising, the intelligent, and the ambitious will find some means of getting there ; and should any difficulty occur at this point, the patriotism and philanthropy of the people may be confidently relied upon to organize and provide the needed funds.

Mr. Windom struck the key-note of the Republican campaign with the negro in the words above quoted. Aid societies to assist the negro to emigrate were organized, and contributions were taken up in the churches to help on the campaign work. These societies were first formed in Washington and St. Louis. A few months afterwards the exodus took a new direction, and the Republican conspiracy was then unmasked. "On to Indiana" was the watchword whispered into the ears of the negro by the agents of the Republican party. Senator Voorhees, in his speech in the Senate on the 4th of June, 1880, said :

I shall not dwell on the well known and well proven fact that as early as the autumn of 1878 Republican newspapers in Indiana, edited by Republican Federal officials, were openly and systematically engaged in encouraging negroes to come and settle in that state, avowedly for political ends. A Democratic state ticket had just been elected by 13,000 majority, a Democratic legislature by a majority still larger, and the camp of the Republican party was desolate, its colors were in the dust, its haughty pride was broken, and it cried out piteously for the negro to come, and to come in large numbers, to its aid. Passionate appeals were made editorially, and circulars were printed of the most enticing character for distribution in the South. The *Banner*, a very prominent Republican paper, published at Greencastle, Indiana, and edited by Mr. Langsdale, the postmaster at that large and important town, appears to have been selected to do most of this work, while the whole Republican press of the state and all the leaders of that party stood by either in silent or outspoken approval of its course. Not a whisper had been heard from the negroes themselves on this subject up to that time. The thought of emigrating in large bodies from their homes in the South had not until then occurred to them. But in seeking the origin of the negro exodus I am not confined to the Republican papers and postmasters of Indiana. There is high authority in this body for the assertion that it was conceived in the brain of a Northern white man, and not in that of a Southern black man.



## THE MOVEMENT ON INDIANA

was begun simultaneously from Virginia and North Carolina and from Kansas. Agents were sent into the states first mentioned to start the exodus there, and the negroes who had previously been started into Kansas were solicited to leave that solidly Republican state and swell the army that was expected to make Indiana Republican. The object of the exodus was so apparent, the sufferings which the negro would be forced to undergo to gratify the political ambition of the Republican leaders were so evident, that the Senate passed the following resolution, introduced by Mr. Voorhees, on the 15th of December, 1879 :

Whereas, large numbers of negroes from the Southern states, and especially from the state of North Carolina, are emigrating to the Northern states, and especially to the state of Indiana ; and

Whereas, it is currently alleged that they are induced to do so by the unjust and cruel conduct of their white fellow-citizens towards them in the South : Therefore,

*Be it Resolved*, That a committee of five members of this body be appointed by its presiding officer, whose duty it shall be to investigate the causes which have led to the aforesaid emigration, and to report the same to the Senate ; and said committee shall have power to send for persons and papers, compel the attendance of witnesses, and to sit at any time.

The testimony taken by this committee showed beyond peradventure that the negro exodus was a well-organized political scheme to vote Southern negroes in certain close Western states where Democratic success would be fatal to Republican national supremacy. In this scheme the negro was to be used as a mere tool, regardless of his own well-being or the future of himself and his family. Witnesses from all of the states whence negroes had migrated, the agents of the movement, organizers of aid societies and colored men who had participated in the exodus in any manner were examined.

O. S. B. Wall, a colored resident of Washington, who helped to organize the National Emigrant Aid Society, testified that three of these societies were organized in Indiana, one at Green Castle, another at Indianapolis and a third at Terre Haute. These organizations were of a secret character and their object was to transport pauper negroes from the South into Indiana.

## A SPECIMEN AGITATOR FOR THE EXODUS.

One of the most conspicuous of the negro agitators was Gen. S. W. Conway. This person has lived on the proceeds of his efforts to benefit the colored race for nearly twenty years. He first appears as a commissioner of the unfragrant Freedman's Bureau for Louisiana and Alabama. When that swindling concern evaporated he became Superintendent of Education for Louisiana, an office which he filled as long as the carpet-baggers were permitted to plunder and rule that unfortunate state. Since 1873 he has been identified with the "interests" of the colored people in one way or another, always managing to keep well fed, well clad and never entirely without money. In less than one month after Mr. Windom's speech was printed Conway appeared in Washington for consultation with the Republican leaders in regard to the exodus. The late Zach Chandler, Chairman of the National Committee, took Conway to his bosom, encouraged him to work up the exodus and said that the funds necessary to carry out the scheme would be raised. Six months before the negroes began to arrive in Indiana Conway went to Indianapolis and there prepared the programme of the exodus with the Republican leaders of that state. He talked with John C. New, Chairman of the Republican State Central Committee, E. B. Martindale, Postmaster Holloway and others. They conversed together about the prospects of carrying Indiana for the Republicans, and the idea of importing negroes for that purpose was approved. After fixing matters in Indianapolis Conway went to St. Louis and Kansas City and was partially successful in diverting the tide of immigration from Kansas to

Indiana. He then returned to Indianapolis to report the result of his labors. The scheme was concocted with careful deliberation, and it received the approval of the principal politicians in the Republican party, national and state. Mr. Conway in his testimony before the investigating committee admitted it. Being examined by Mr. Windom, he said:

Q. Do you know of any effort to colonize any state with negro voters? A. There has been some talk about it, and I have been trying to help carry Indiana by their aid.

Q. What have you done in that direction? A. I encouraged as many of them to go there as I could; first, because I believed they could get good wages, and, second, to help out the Republican cause and raise the negro to a higher civilization. I think he is a good Republican and a good loyal citizen, and should be allowed to vote; therefore, I have not liked the idea to exclude politics from the exodus. I think the negro ought to go where he can do the most good for himself and the Republican party.

Q. Hasn't it been something of a failure rather—your trying to get them to go to Indiana? A. Yes, sir; I think so. I have been desirous to see a good many of them go in there. I wanted to see the Democrats beaten, and I wanted the negroes to go in there and help do it.

Q. How many voters do you suppose have gone in there? A. If all had gone whom I advised to go there would have been fifteen or twenty thousand.

#### THE CONSPIRACY TO CARRY INDIANA PROVED.

The existence of the conspiracy was proven out of the mouth of its chief agent, a Republican witness, examined by a Republican Senator. The infamous plot to subvert the will of the people of Indiana by the importation of pauper negroes was fully proven. That the plot failed was not due to the unscrupulous zeal of its Republican authors. Employees of the reform administration of R. B. Hayes assisted in the nefarious task of colonizing Republican voters in Indiana. H. W. Mendenhall, of Wayne Co., Indiana, a government clerk in Washington, was a member of the original immigrant society. He made a speech to the society advising the importation of negroes to Indiana for political purposes. He corresponded with Colonel Dudley, U. S. marshal of Indiana, who wanted the negroes to come into Indiana but wisely preferred that the exodus should not be known as a Republican movement.

After Conway had finished his persuasive labors in Kansas, the tide of immigrants from North Carolina began to flow. They came by hundreds on almost every train from the South, filling the air with complaints of their poverty at home, and indulging in the wildest anticipations of the paradise they were to enter in the Hoosier state. These immigrants were composed of the lowest and most impecunious class of negroes in North Carolina. They had been furnished with transportation by the agents of the conspiracy. Many of them were destitute of food, a majority were insufficiently clad and not a few had been provided with tickets which were good to Washington only. They had been taken away from their homes and were left to the charity of the public for means to complete the journey. Hundreds of them remained in Washington for days at a time waiting for the emigrant aid society to raise funds to carry them on to Indiana. It was well known that the negroes must endure great suffering after their arrival in Indiana. The people of that state, regardless of party, had never desired the presence of a large pauper negro population among them. There was no demand in Indiana for their labor, and no prospect that they would better their financial or social condition by the change.

The people of North Carolina had treated the negro with kindness. His condition there had steadily improved since emancipation, and the exodus from that state would never have occurred but for the false promises of Republican emissaries and the lying tales printed in exodus circulars.

Another proof of the fact that the exodus was caused by Republican politicians is afforded by the testimony of Wm. B. Tinney, passenger agent of the Baltimore and Ohio Railroad at Indianapolis. A party of emigrants were stranded



in Washington for lack of money to pay their railroad fares. Mr. Koontz, the agent of the road at Washington, telegraphed Mr. Tinney to call upon three prominent Republican politicians in Indianapolis and obtain \$625 to pay the transportation bill. Mr. Tinney obeyed instructions. The money was promptly given him and the delayed emigrants were immediately sent on to the Hoosier state. Every circumstance indicates that this money was raised by the Republican State Central Committee.

The evidence taken by the committee showed conclusively that the negroes were not wanted in Indiana. Every witness except Republican office-holders and politicians testified, that, to use the words of Mr. Voorhees, "such an influx would be the abomination of the people of the state; that the supply of laborers was far greater than the demand, and had been for many years, especially since 1873; that the negroes already imported there had fallen upon hard lines, many of them not employed at all, objects of daily charity, and others obtaining a precarious subsistence from temporary and uncertain engagements."

#### THE PROSPEROUS CONDITION OF NEGROES IN NORTH CAROLINA.

The committee also investigated the condition of the negro in North Carolina, and ascertained by a line of unbroken and uncontradicted testimony that there is not a single right or privilege belonging to any citizen of the United States that is not enjoyed by the colored residents of North Carolina.

Charles N. Otey, an educated colored native of North Carolina, testified before the committee. His evidence is so strongly in contrast with the statements of Radical politicians concerning the position of the negro in that state that an extract is given. He said:

In North Carolina the most kindly relations exist between the white and colored people. At the last celebration of the day of the emancipation proclamation the whites, all of whom had owned slaves, paid three-fourths of the expenses necessary for making it a success. They not only did this in Raleigh, but in other places where the day was celebrated.

The colored people as a mass are more intelligent than in any other state in the South. They always had more opportunities for acquiring an education. There are at least five schools in the state where they can get a scholastic education, and almost every town has a graded school.

They have what no other state in the South possesses—an asylum for the deaf, dumb and blind. A Democratic legislature has appropriated money for the erection of an insane asylum; at present the colored insane are in the white asylum, than which there is no finer in this country.

The free schools are open for all, and colored teachers are always employed in preference to whites.

There are numbers of colored lawyers who have made a name at the bar; doctors who have successful practice; farmers who own their farms and carry their own cotton to market. Why, Raleigh, a city of about thirteen thousand inhabitants, half of whose population is colored, has grown within the past five years to such extent that I could scarcely recognize my native city. There are more colored people who own their own houses than there are in the city of Washington. Their beautiful cottages are to be seen everywhere.

As I beheld this sight I said to myself, why does not the emigration begin at Washington?

In one word I say that the cause of the exodus from North Carolina can be found in the purses of the men who furnished Perry and Williams with the means.

In my opinion the time will come when those who have encouraged this movement will repent in sackcloth and ashes.

In my humble judgment, in December, 1880, many colored men who are now feasting on the lamb in Indiana will be begging for money to pay their way back to old North Carolina.

Mr. O'Hara, the Republican candidate for Congress in the last election, testified before the committee. He said:

I do not know of any state in the American Union where there is a better feeling between the white and colored people than in North Carolina. It is a very usual thing to see, on the day of election, the landlord and the tenant, the employer and the employee going to town in the same buggy and voting different ways. I have even wondered why it was that the employer could influence his tenant or employee on every other subject except voting. I think I ought to say with regard to Captain Wall's testimony, as it will all come before the House in due time, that in my defeat, or rather my being counted out, the Republicans had more to do with it than the Democrats, and I say that the colored Republicans of the South have more to fear from the white Republicans than the Democrats. And there is always a combination between the white Republicans against any intelligent colored Republican who seeks to aspire to office.

#### THE SAD STORIES THE EMIGRATING NEGROES TOLD.

The committee did not listen alone to the statements of those emigrants who had settled in Indiana. They heard the stories of dozens of deluded colored people who had learned by bitter experience that the exodus was a fraud and a

cheat, originated to benefit the Republican party at the expense of the negro. Old colored men, hungry and footsore in their efforts to return to the comfortable homes which they had left in the Southern states, related their experiences.

The statements made by Mingo, Simmons, Green, Ruffin and others of their treatment in Indiana almost paralleled the tales which the Radical newspapers used to unfold day after day during the campaign of 1876. Ruffin, after suffering in the land of his adoption, concluded to return to the land of his birth. He announced his determination to go.

"Did any of them advise you to stay?" asked a committee man. "Yes, sir," was the reply. "They said, they did not blame you emigrants for wanting to go home, but said, you try and stay until after the presidential election and then we think it best for you to go home; and I said, all right, and I went on my way and come here."

Ruffin also testified that he was induced to go to Indiana by a general promise made to the colored men that they should

receive \$15 a month on a farm, house to live in, firewood furnished and a cow and a calf to milk extra for each family.

The first object of the politicians who organized the exodus was undoubtedly to revive sectional agitation and bitterness by the circulation of untruthful stories about Southern outrages, whippings and bulldozing. The idea of colonizing Indiana was born almost simultaneously with the execution of the plan for moving the negroes into Kansas. Agencies were established at Topeka and at St. Louis, which dealt largely in the manufacture of campaign stories of the outrage type.

#### A CONSERVATIVE SOUTHERN VIEW.

Senator Lamar, of Mississippi, made a speech in the Senate on the 14th of June, in which he discussed the question of the exodus from a conservative Southern point of view. The evidence taken by the committee had convinced him that the exodus was planned by Republican politicians for political purposes. There was nothing in the condition of the states from which the emigration proceeded to drive labor from the pursuits in which it was actively and profitably engaged, and nothing in the condition of the states to which the emigration proceeded to call for such an influx of labor. Mr. Lamar said that if the negro believed it to be for his best interests to leave the South he would bid him go. If they were deluded, the delusion would soon be exposed. He said that the planters of Mississippi, even while he was speaking, were in communication with laborers in Kansas and Indiana, looking upon them as more accessible sources of supply than the laborers of Georgia and Alabama. In a single sentence Mr. Lamar gave the true history of the exodus. He said:

It was a movement concocted outside of the South, having no connection with the wants of labor or the demands of capital, but set on foot for the purpose, in part, to obtaining partisan ascendancy in a northern state; in part to diminish the basis of representation in the South in the approaching census; and lastly, to renew the agitation of "Southern outrages" in the coming presidential election."

He went on to say, that for every black man who left the South the planters would have a white immigrant from the North, better skilled in labor and more advanced in intelligence and more political experience. His speech was a most emphatic refutation of the oft-repeated charge, that the South is the home of disorder, outrage and lawlessness. From the labor statistics of the government he showed that in Mississippi, a population of 581,206 above the age of ten years was reported, of which number 318,850 were employed in bread-getting, while in Minnesota, the state which the sensational exodus agitator, Mr. Windom, represents, only 132,657 out of a population of 305,568 (Census 1870), were employed in bread-getting. The occupation of such a proportion of the citizens of Mississippi in peaceful labor was incompatible with a condition of lawlessness and disorder.



# HOW THE POOR FREEDMEN WERE SWINDLED.

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THE WICKEDEST AND MEANEST OF ALL THE FRAUDS THE REPUBLICAN PARTY  
IS RESPONSIBLE FOR.

They would pillage the palace of the King of Kings,  
And strip the gilding from an angel's wings ;  
Cheat the living, rob the dead,  
And deprive the orphan of his crust of bread.

The wickedest and meanest swindle which the Republican party is responsible for was that practiced upon the ignorant and helpless freedmen. The Freedmen's Savings Bank was intended by the majority of its first board of trustees to be a worthy institution. The conception was a good one. Philanthropists lent their names and their influence to it, and men like Chas. Sumner, Peter Cooper, William Cullen Bryant, A. A. Low, S. B. Chittenden, John Jay and Gerritt Smith were among its trustees. Under these excellent auspices it was ushered into existence. Its sponsors were men of character, but its originators were the most cunning, the most unscrupulous, and the most influential leaders of the Republican party. The men who governed and mismanaged the bank after its organization, and who robbed the trusting freedmen of their hard-earned savings, were hidden behind this cloud of philanthropists, and the cowardly scheme for plundering the ignorant colored people was matured before Mr. Sumner was induced to introduce the bill which gave the men, with whom Gen. Garfield was involved in at least one corrupt transaction, the power to carry out their design. Sneak thieves are brave men compared with the crowd of politicians who robbed the Freedmen's Savings and Trust Company.

## ORIGIN OF THE BANK.

The freedmen who first, in any numbers, earned more money than was sufficient to meet their daily wants, were those who enlisted in the Federal armies. The institution which has done so much injury to the race is the outgrowth of a couple of savings banks started by Generals Butler and Saxton at Beaufort, S. C., and Norfolk, Va. They were simply for the colored troops, but it began to be indicated by the deposits made in them that the race, or a large part of it, was inclined to be thrifty. Deposits accumulated to such an extent that the shrewd, calculating spirits in Washington saw their opportunity. They lived on plunder, and here was an undreamed-of hoard in the labor of freed negroes on which they might fatten.

Some mysterious person, presumably one of those who afterwards became one of the managers of the bank, drew a bill in the winter of 1864-5 chartering the

institution. It was a bill giving the concern the ordinary powers of a savings bank. Ostensibly the bill was to induce the freedman to save his money and to educate him to habits of thrift. A gloss of charity was spread over every page, and its purpose recommended it to the kind friend of the negro, Charles Sumner who introduced it into the Senate on the 17th of February, 1865.

The following taken from the speech of Hon. William S. Stenger of Pennsylvania is the precise truth concerning the origin of the bank:

They [freedmen] were entirely unfitted to make safe and remunerative investments of their money. Here was a proposition to render them necessary assistance, by providing them a depository where their funds could be received and invested for their benefit in the stocks, bonds, treasury notes or other securities of the United States. It was a lofty and laudable purpose. It was calculated to encourage the freedman to the exercise of industry, so that he might make money, and to the practice of frugality, so that he might husband his resources and thus provide for the wants of himself and family against the coming of old age, sickness, and death. And with this purpose Mr. Sumner could not but feel the heartiest sympathy. In the short debate in the Senate on the bill, he characterized it as a simple charity. He ingrafted in it an amendment requiring the officers of the bank to give security. But it never occurred to him that it was necessary to inspect, line by line, a bill that had been placed in his hands by men known as the professed, zealous friends of the freedmen. He never dreamed that there might be a predetermination on the part of these men to abuse the great trust then about to be placed in their hands. Had such a thought occurred to him, I do not doubt that additional restrictions would have been imposed, and some very important provisions added.

But, sir, devilish cunning and ingenuity played their part, and played it well, in framing this act of incorporation. There were men who saw in this project a golden opportunity to make money for themselves.

The bank was marked by evil from its birth. Bad men conceived it, and hidden away in the bill which Mr. Sumner introduced were the opportunities for the iniquities which ultimately brought ruin on the best of the negro race, and sent them back, dispirited and hopeless, into the poverty from which they had hoped to escape. No sooner was the bill before Congress than a lobby was gathered in its interest. It was a lobby of bad men, who had much influence with the Republican party.

#### THE WORK OF THE LOBBY.

When the bill was introduced, the powers conferred by it as to extension were unlimited. The managers might set up branches of the bank anywhere within the United States. The attempt was made to pass the bill through the Senate without reading, but Mr. Buckalew called attention to the fact and said:

I have read the bill; it is in proper form, and the only question is whether we ought to establish such an institution outside the District of Columbia.

After a short colloquy, Senator Powell of Kentucky said:

I find by the reading of that bill that it is a roving kind of commission for these persons to establish a savings bank in any part of the United States. I think the bill is wholly unconstitutional. I do not believe Congress has any right to establish a savings bank outside of the District of Columbia.

Mr. Sumner thereupon agreed that the bill might be amended so that the bank should be confined to the District of Columbia. This amendment was adopted by the Senate, so that the bill passed by that branch of Congress confined the bank to the District of Columbia.

The lobby seems to have followed the bill to the engrossing clerk's office, for it was not engrossed as it passed the Senate. Some one was interested in securing the roving commission of which Senator Powell spoke, and had power and influence enough to manipulate and change the bill while it was in the hands of the clerks of the Senate. At any rate, when the bill reached the House the amendatory words were not in it.

The following colloquy took place in the House on this subject:

Mr. Ganson: I would ask where this bank or association is to be located?

Mr. Eliot: In Washington City.

Mr. Ganson: It is not so stated in the bill.

Mr. Eliot: That is an error. Then I ask unanimous consent to insert after the words "body corporate" the words "in Washington City, District of Columbia."



No objection was made and the amendment was adopted.

Mr. Ganson: I think there should be among the corporators the name of some person in this District.

Mr. Eliot: I move to amend by inserting the name of Salmon P. Chase among the trustees.

No objection was made and the amendment was accordingly agreed to.

The lobby was as potent in the House as in the Senate. The bill was sent back to the Senate in precisely the same form as it had gone to the House from that body. There was no allusion made to the amendments in the message from the House; there were no amendments in the body of the bill, which was signed by the Vice-President and Speaker of the House.

#### THE BILL, THEREFORE, BORE ALL THE INDICATIONS OF FRAUD.

At the outset it was evident that dishonest people were eager for its passage, and that they had been able to call to their assistance the committees on enrolled bills and employees of both Houses of Congress.

Mr. Stenger said concerning the fraud that marked the passage of the bill:

"Again, this charter, as originally framed, contemplated the widest possible stretch of territory for the operations of the company. It did not mean to be hemmed in by any sort of inconvenient limitations. Its missionaries were to be commissioned to go into all the States of the Union, and, while proclaiming themselves as the deliverers of the bondmen and teaching the latter "to toil and to save," to gather in their little savings, so that the Ring might have immense sums upon which to speculate and grow rich. \* \* \* \* \*

The history of the legislation is interesting, not only as showing the extent of the powers conferred upon the corporation, as understood by the Senate and House, but also as showing a juggle or trick by which the charter was illegally procured, and the freedmen deprived of the services and protection of one of their warmest and staunchest friends. It shows that the act was conceived in fraud and brought forth iniquity.

#### FRAUD IN THE ORGANIZATION.

The motive for surreptitiously striking out the amendments confining the bank to the District of Columbia were soon seen. The first act of the company was to establish the bank or principal office at New York. This went even beyond the charter as it passed, after its manipulation by the conspirators. The organization of the company was effected May 16, 1865. A branch bank was established in Washington, August 1st, and during the year other offices were established at Louisville, Ky., Richmond, Va., Nashville, Tenn., Wilmington, N. C., Huntsville, Ala., Memphis, Tenn., Mobile, Ala., and Vicksburg, Miss. During the course of its history other branches were established at Beaufort, S. C., Jacksonville, Fla., Baltimore, Md., Alexandria, Va., Natchez, Miss., Newbern and Raleigh, N. C., St. Louis, Shreveport, La., Columbia, Ga., Lynchburg, Va., Macon, Ga., Lexington, Ky., Little Rock, Ark., Atlanta, Ga., New Orleans, Norfolk, Va., Tallahassee, Fla., Philadelphia, Augusta and Savannah, Ga., and Montgomery, Ala. These were intended to be feeders to the central concern, but they were simply aids to the plunder of the freedmen.

The politicians and conspirators soon got possession of the institution. The only man among the original trustees whose name is smirched by his connection with the bank is James W. Alvord. It is unfortunate that the Bruce committee, in its recent investigation, did not secure the testimony of this man concerning the manner in which the charter was manipulated during its passage from one House to the other. He did appear before the committee, but begged off because he was then on his way to Colorado to advance to his two boys some "means" with which to engage in speculations. That was the last of him so far as the committee was concerned. How much of the "means" he was about to advance he had gleaned from the toiling negroes of the South, he never explained.

This man was evidently the

#### ADVANCE PICKET OF THE ARMY OF PECULATORS,

for whose introduction into the management of the bank a way had been carefully prepared in the charter. The number of the trustees was fifty, and it was

provided in the bill that if a trustee failed to attend a meeting of the board for six months his place should be considered vacant, and a vote of any ten trustees could fill the vacancy. James W. Alvord was an excellent man to take advantage of this provision. The trustees had faith in him. He was corresponding secretary of the bank, then vice-president and finally president. He was a professional philanthropist, a kind of man who goes about doing good—for pay. He had always been a friend of the negro, and had been connected with the Freedmen's Bureau at different times as inspector of schools and finances, and again as superintendent of schools. He claims to have been the originator of the bank. Its management was left largely in his hands from the first, and, taking advantage of the confidence reposed in him, he proceeded to carry out the original design of the institution. As soon as vacancies occurred in the board he secured the election of the men, then the bright particular stars of the Republican party in Washington, the future captains of hosts during the Grant administration and members of the District Ring.

The proper kind of persons for his trustees being secured, the charter gave the power of the board into the hands of a quorum of *nine*, and, more astonishing still, only seven votes were required to make "any orders for, or authorizing the investment of, any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom."

#### THE LAW WAS FRAMED TO FACILITATE THE FORMATION OF A RING.

By another regulation the control of the assets of the institution was given into the hands of even a smaller number of men. A finance committee of five trustees was appointed

To exercise a general supervision and control of all the funds, securities and property of the company—to direct as to the temporary deposit or loan of funds, and as to the investment thereof.

Three of this committee constituted a quorum, and these three, during the years of the mismanagement of the bank, were three notorious members of the District of Columbia Ring, men with whom Gen. Garfield had intimate personal and political relations, and for his influence with whom he once received a bribe of \$5,000. They were Henry D. Cooke, at one time governor of the District, and brother of Jay Cooke, W. S. Huntington, and Lewis Clephane. It was through these men and J. W. Alvord that the swindling operations were conducted. Huntington was cashier of the First National Bank of Washington, of which Cooke was president, and was connected with the Metropolitan Paving Company. Clephane was a member of the "District Ring" in a general way, and president of the Metropolitan Paving Company. With these three of the finance committee were associated Le Roy Tuttle and J. M. Brodhead, but they left everything to the "quorum." Tuttle was Assistant Treasurer and Brodhead Second Comptroller of the Treasury Department. Their duties seem to have been confined to ratifying anything done by their associates. They very seldom attended any of the meetings of the finance committee, and when one of the three was absent, the other two acted and took their decision to one of these faithless treasury officials for ratification.

Everything being prepared for the business of fraud, the managers went to work to secure deposits. The first and chief recommendation in the eyes of the negro was the name of Abraham Lincoln, signed to the charter of the bank. This was taken advantage of by the Ring. At first a newspaper was published for Southern distribution, and circulars sent out assuring the negroes that the man



whose memory they cherished as their emancipator approved and fostered the institution. The announcement was :

The whole institution is under the charge of Congress, and received the commendation and countenance of the President, Abraham Lincoln; one of the last acts of his valued life was the signing of the bill, which gave legal existence to this bank.

The intention was to deceive the negroes by making them believe that the bank was under the care of the government. This is further borne out by the fact that there was printed in the pass-book issued by the bank the following:

The government of the United States has made this bank perfectly safe.

This was as bald a case of lying as can be found.

#### THE EVIDENCE OF ANSON M. SPERRY

on this point will be found interesting. He was continuously in the service of the bank during its existence.

Q. Do you know whether at Vicksburg, or any other branch, the inducement was held out to depositors to deposit in that bank because it was a government institution? A. I think it was.

Q. That inducement was made to induce persons to deposit; that it was a government institution, and that the government was bound to the depositors? A. Yes; I cannot say especially at Vicksburg, though I think that that foolish policy was adopted there.

Q. Did they not represent that the deposits made by individuals would be guaranteed by the government of the United States? A. I think they did, but I will qualify my answer by saying that I am not certain as to Vicksburg, though I think so; but of this I am certain, that you will find on many of the pass-books of the New York branch these words, in English, French and German: "The government of the United States has made this bank perfectly safe."

In this way the confidence of the negro was gained. Gen. O. O. Howard, then head of the Freedman's Bureau, organized simultaneously with the bank, added his certificate, as follows:

I consider the Freedmen's Savings and Trust Company to be greatly needed by the colored people, and have well earned it as an auxiliary to the Freedman's Bureau.

O. O. HOWARD, Major-General.

The Bruce committee, appointed last winter by the Senate to further investigate the bank, finds that the bank was well managed till 1868. It was in that year that the conspirators obtained full possession, and elected Alvord president. They were storing up material for plunder, however, during these three years. Tracts touching on the beauties of frugality were distributed. Some of these were in poetry, of which the following is a fair specimen:

'Tis little by little the bee fills his cell,  
And little by little a man sinks a well;  
'Tis little by little a bird builds her nest,  
By little a forest in verdure is drest.

'Tis little by little great volumes are made;  
By little mountains or levels are made;  
'Tis little by little an ocean is filled,  
And little by little a city we build.

'Tis little by little an ant gets her store;  
Every little we add to a little makes more;  
Step by step we walk miles, and we sew  
stitch by stitch;  
Word by word we read books, cent by  
cent we grow rich.

These artifices proved successful. The negroes deposited their little earnings in the branch banks of the south, being told that they could draw them out at any time. This was another deception, for the money was sent to the central bank at Washington, whither it was removed in 1867. Deposits came in rapidly. During the first ten months of its organization

#### THE BANK RECEIVED DEPOSITS

amounting to \$305,167. For the year ending March 1, 1867, the deposits were \$1,624,853.33; for 1868, \$3,582,378.36; for 1869, \$7,247,798.63; for 1870, \$12,605,781.95; and for 1871, \$19,952,647.36. When the bank was forced into liquidation in 1874 the total deposits had reached \$56,000,000; the amount paid out

was \$53,000,000, leaving a balance of \$3,000,000 due depositors, and of this \$2,902,033.55 was due colored persons. The following payments on this have been made by the commissioners in 1874 appointed to wind up the affairs of the bank: November 1st, 1875, a dividend of twenty per cent. was declared. Of this about \$44,000 remains still unpaid. A second dividend of ten per cent. was declared March 20th, 1878. About \$40,000 of this remains unpaid. The commissioners have on hand about half enough cash for another ten per cent. dividend, and a bill has been introduced in Congress authorizing the sale of the real estate of the bank in order that a final dividend of fifty per cent. may be paid.

#### SHAMELESS FRAUDS ON THE NEGRO.

Mr. Stenger, speaking of the losses by the negroes, said:

But these losses, important as they may seem (the losses at the branch banks), are utterly insignificant compared with those sustained by reason of the irregularities and frauds practiced in the principal office at Washington. Here it was that men intent on plunder found and tilled the richest field. I venture the assertion that the history of all the banks in America does not disclose a record of such shameless disregard of law and wanton violation of rights as does the history of the principal office of the Freedman's Savings and Trust Company. Here, in the American Congress, I arraign at the bar of public opinion the men who have heartlessly speculated upon, misused, squandered and sunk the hard earnings of a helpless race of people, whom they were hypocritically pretending to befriend. And I cannot but think it strange that successive Congresses, certainly large majorities of those who claim to be the only true friends of the colored people, should not have taken sufficient interest in their welfare, and watched the operations of those in charge of this company, so as to have prevented this terrible abuse of a sacred trust, and consequent shameful plunder of the freedmen. The charter provided that the books of the corporation shall at all times during the hours of business be open for inspection and examination to such persons as Congress shall designate or appoint; but no such persons were appointed. This failure on the part of these pretended guardians to exercise the necessary vigilance for the thorough protection of these people is in the highest degree reprehensible. But when it is taken into account that the legislation enacted by Congress helped to facilitate the swindling operations of the ring, words are powerless to express the enormity of their conduct.

Thus it will be seen, by the neglect of the first board of trustees to act, the worst members of the District Ring got control of the bank, and by the influence they had over Congress a legislation was procured which gave opportunity for the methods of swindling which remain to be narrated.

The leading members of the Ring appear to have been H. D. Cooke, William S. Huntington, Lewis Clephane, the three members of the finance committee who, strangely enough, were the three who alone always had time to attend its meetings, and who invariably constituted the quorum for the transaction of business; D. L. Eaton and Geo. W. Stickney, the two actuaries. These were the "pals" inside the bank. The outside "pals" were Alexander R. Shepherd, Hallet Kilbourn, John O. Evans, J. V. W. Vanderburg, and some others.

The following paragraphs are submitted as illustrations of how shamelessly long-established banking and business principles were disregarded; how all sense of responsibility and sacred trust was sunk in the mire; how individual honesty, personal honor, and official duty were swallowed up in the greed for gain; how professional philanthropists proved to be as

#### WHITENED SEPULCHRES.

Henry D. Cooke was president of the First National Bank of Washington; he was a member of the firm of Jay Cooke & Co., the financial agents of the government, and he was president of the finance committee of the Freedmen's Bank. William S. Huntington was cashier of the same National Bank. Among the first business transactions of the "quorum" of which these two men made the majority, was the making of the First National Bank the depository of the funds of the Freedmen's Bank. This made it convenient for the National Bank to act as the agent of the savings bank in making its investments. Consequently, Messrs. Cooke and Huntington, acting for the Freedmen's Bank, negotiated with themselves, as officers of the National Bank, for the purchase of the United States



securities in which the law directed that the funds of the savings bank should be invested. They thus secured some large commissions for the National Bank. This was not illegal, perhaps, but it was certainly contrary to the spirit of the charter and the purposes of the institution.

After Alvord became president, in 1868, the "quorum" had full swing. The Cookes had on hand large "blocks" of Union and Central Pacific Railroad bonds, and were looking about for a market. The Freedmen's Bank presented an opportunity for an easy swindle, for Henry D. Cook was an adept at negotiating with himself. He made excellent bargains to buy of himself, but his prices were high when he sold to himself as member of the finance committee, or rather of the "quorum."

How to do it was the question; how to overcome the difficulties of the statute creating the savings bank; how to accomplish what the law prohibited. It was the first time that the attempt had been made to commit such a flagrant violation of the law, and the conspirators hesitated. There was no need of hesitation, however, as they afterwards discovered, for they had behind them a pliant majority in Congress, willing to wink at all the iniquities that these saints of the Republican church could commit. A meeting of the finance committee was called, and the "quorum," Messrs. Cooke, Huntington and Clephane, pondered over the provision of the charter which directed that the funds of the bank should be invested "in the stocks, bonds, treasury notes and other securities of the United States." The board of trustees had left this question to be answered by these worthies, the chief of whom had everything to make by answering it in the affirmative, and everything to lose by saying "no."

Are Pacific Railroad bonds a security contemplated by the charter?

Mark the cunning of the answer.

Pacific Railroad bonds are not a security contemplated in the charter, but the government bonds issued to the company are within the meaning of the law.

In a short time afterwards investments were made in the government bonds of the Union and Central Pacific Railroads. Henry D. Cooke, with an eye always in the main chance, made the purchases through his own firm, Jay Cooke & Co., and again the "simple charity" over which he had such large control was made the means of lining his purse with commissions.

The following is a list of the purchases of bonds following the decision just referred to:

February 17th, 1869, Union Pacific.....	\$100,000	June 8th, 1868, Union Pacific.....	\$15,000
April 30th, 1869, Union Pacific.....	200,000	June 23d, 1868, Central Pacific.....	40,000
May 4th, 1869, Union Pacific.....	50,000	October 8th, 1868, Central Pacific....	300,000

This shows a total investment of \$705,000 in Pacific Railroad bonds within a year.

#### THE FIELD FOR SWINDLING ENLARGED.

The bank thus entered upon a new field of investment. No great harm would have come of it had the field not been still further enlarged. But the Cookes and the "Ring" men had demonstrated their power and the weakness of their opponents, and they saw their opportunity and proceeded to profit by it. It was the first step away from and against the law—the first step in the direction of permitting the "quorum" to manage the affairs of the bank according to their own discretion and in opposition to the law, which soon entirely ceased to govern them. The next inroad in the charter was the construction by the "quorum" of the sixth section of the charter. That section was as follows:

And be it further enacted, that it shall be the duty of the trustees of the corporation to invest, as soon as practicable, in the securities named in the next preceding section, all sums received by

them beyond an available fund, not exceeding one-third of the total amount of deposits with the corporation, at the discretion of the trustees, which available funds may be kept by the trustees to meet current payments of the corporation, and may, by them, be left on deposit, at interest or otherwise, or in such available form as the trustees may direct.

The object of this section was plain enough. The bank was to have on hand always a sum not too large, "not exceeding one-third of the total amount of deposits," with which to meet the current expenses. It was to be in cash, to be something that could be kept on deposit and subject to sight checks. It was to be available, whether it drew interest or not. Availability was to be its characteristic, the evident intention being that the bank should always have on hand a sufficient sum to meet its expenses and the daily demands of its depositors. If the trustees did invest any part of this third, as they might under the charter, they must have invested it in the stocks, bonds, treasury-notes and other securities of the United States. There was no other subject of investment pointed at by the law to which the trustees were bound to conform.

At this time the charter did not permit loans on real estate. It is a pleasure to record that in this instance Henry D. Cooke did not at first countenance the violation of the law which is now to be decided. He gave his construction of the statute in writing, and the opinion was spread on the minutes of the company. It is as follows:

My understanding of the clause is that it authorizes the leaving of a certain sum in deposit, which deposit may draw interest or otherwise, but it must be always subject to check at sight; and I think a careful reading of the clause will justify this interpretation.

#### MR. COOKE'S VIRTUE WAS SOON OVERCOME,

however, and at a meeting held at his banking house soon after this opinion was written, the following entry was made on the minutes:

The question under consideration was the recommendation to the board of the right to loan, under section 6, a portion of the idle funds now on deposit.

It was decided so to recommend.

D. L. EATON, Actuary.

Then followed a most extraordinary scramble to throw away the hard earnings of the freedmen in the most worthless securities. Some of these securities were of a kind that no reputable banker would take, but they were such as are generally hawked about the street to be picked up, at exorbitant rates of discount, by the sharp-eyed gentry who do their business on the curbstones, or in underground offices. In three weeks loans to the amount of \$98,593.43 were made. Not a single security, authorized by law, was taken by the finance committee in these negotiations.

#### A NOTE AND VOUCHER-SHAVING BUSINESS.

In his testimony before the Bruce committee, Commissioner Creswell testified that he found the "available fund" loans as "unavailable" as any in the possession of the institution, and Auditor G. W. Stickney testified as follows:

Q. What was this "available fund" business? A. It turned out to be very unavailable (laughing). It allowed that one-third the amount of the deposits should be invested by the trustees in any "available fund."

Q. Yes; exactly. A. That was the decision of the finance committee that they had the authority to do that.

Q. The bank discounted a good many pay-vouchers, government vouchers and vouchers of the District of Columbia, belonging to the clerks and employees of the government and of the District, did it not? A. Yes, sir.

Q. That was out of this "available fund," was it? A. Yes, sir.

Q. Can you state what rate was usually charged, or whether there was a uniform rate for discounting these pay-vouchers? A. I think that in the District vouchers they used to charge one per cent. per month; and for the clerks in the department I think it was generally one or two per cent. —I forget now which—two per cent. I think it was, for a while.

Q. About how much of that kind of paper remained in the bank at the time of the failure? A. About a thousand dollars or so of the clerk's vouchers.

The officers of the bank were then doing a note and voucher shaving business, like a Chatham street pawnbroker, except that they had not half the shrewdness that characterizes that thrifty race.



Among the securities taken by the bank for these loans, which still remain unpaid, and most of them, probably, uncollectable, are certificates of the Auditor of the Board of Public Works to pavement companies, bills against the District government, promissory notes of individuals, indorsed and unindorsed, secured and not secured; loans without any collateral whatever, pay orders, life insurance policies, shares of stock of worthless corporations, shares in the Washington *Sunday Capital* newspaper, deeds of trust of property in distant cities, orders on the Board of Public Works of the District; District eight per cent. bonds, still unpaid, and checks. There is still due on this account \$24,352.24, the total loans from the available fund amounting to \$303,875.46.

#### HELPING ALONG NORTHERN PACIFIC.

Not long afterwards the available fund was used to help along the Northern Pacific, this time with Henry D. Cooke's consent and at his instance, showing that his former opinion was given largely for effect. The bank was made the agent for the sale of Northern Pacific bonds in this way: the bank to pay for the bonds and sell them if it could, for which it was to receive a commission, and to take the guarantee of Jay Cooke & Co. to buy them back within one year if not sold. On the 7th of February, 1871, \$50,000 of these bonds were bought for the bank. After the transaction had been completed, and the bank was the absolute owner of the bonds, the question was raised as to whether the bank had the power to purchase them, *i. e.*, whether it possessed the power to do what it had already done. It was a shrewdly played game, a game in which the leading conspirators enacted their parts very skillfully, pretending to do with great reluctance what they had long ago made up their minds to do. The proposition seems to have greatly excited the board of trustees, for on May 3d it passed a resolution "doubting the expediency of investing \$50,000 in these bonds." On May 9th Mr. Cooke, pretending to have carefully examined into the subject, made a special report on it. He thus expresses the judgment of the finance committee:

The second resolution as to the investment of the company in the bonds of the Northern Pacific Railway:

In investing its available funds, the actuary found this state of facts: On the 7th of February, the day on which this purchase was made, the lowest-priced six per cent. United States bond in the market was the 5-20 coupon bond of 1865 or 1867, \$1 09½. This bond of 109½ pays the investor 5 4-10 per cent., so that the Northern Pacific Railroad bond at 100 pays 73 10 per cent., so that the Northern Pacific Railroad bond is better by 19 10 per cent.

Further, the actuary, with the consent of the finance committee and the board [of trustees] in full session, bought the bonds for sale, and the conditions were that we receive 3½ per cent. commission in cash, and 3½ per cent. in stock for all bonds disposed of, so that this company realizes actually in cash 5 4-10 per cent. more than on the best investment in government bonds; and in addition thereto, 3½ per cent. in stock of the Northern Pacific Railroad Company for all bonds sold.

The only question, therefore, is: are these bonds safe? In answer to this we show the written guarantee of Messrs. Jay Cooke & Co. to redeem them on demand at any time within one year from date of purchase, at same rates we gave for them.

It was these considerations of profit and of safety abundant, as it seemed to the committee, which led to the investment in question, and they are still of force in their minds. As to the other statements of the resolution, touching the character of the bond itself, namely, that the road is but begun, and may not for years be able to pay any interest out of its earnings, we would respectfully state that the [N. P. R. R.] company has already six hundred miles of road in operation; that nearly three hundred miles of track have been laid during the three hundred days which have elapsed since the commencement of work upon the road; that the company is endowed by government with a grant of land amounting to over fifty millions of acres, worth, at government rates, over \$150,000,000 from the sale of which ample provision is made for the payment of the interest and [the] principal of the bonds, in addition to the security given by the road, its equipments, and all the property and franchise of the company.

Thus, for the third time, did Henry D. Cooke manage the Freedmen's Savings and Trust Company, and make use of the money of the negroes, lately in slavery, for the purpose of lining his own purse. He was directly interested in the sale to the bank of these Northern Pacific Railway bonds, and he and his firm made money from it. When the head of the "quorum" is found to be such a man, its decision concerning the use of the "available fund," and the manner in which it invested in worthless, and wildcat securities will not be wondered at.

## THE DOOR FOR STEALING WAS OPENED WIDER

in 1870 by the passage of an amendment to the charter. The Republican majority in Congress was not satisfied with the stealing their rascals in the District Ring and in charge of the freedmen's banks had accomplished. They thought they ought to have more latitude; that they should not be confined in their investments to the "stocks, bonds, treasury notes and other securities of the United States." Grant was in power, and the "boys" who had formerly been known only as the heads of the District government, were now potent with the national administration.

It is interesting to note, in passing, that these same "boys," now somewhat older, who made the District Ring and the Grant administration odious by their connection with them, and who went to Chicago to help nominate Grant because of what he did for them in the old days of the "Ring," are about the only Grant men who are pleased with Garfield's nomination. They like Garfield "because he is a friend of the District"—friendship to the District meaning, with them, the cherishing of the contractors at the expense of the taxpayers. This is especially significant, in view of the DeGolyer charge against Gen. Garfield.

The amending act, among other things, authorized the board of trustees to invest the funds of the bank "to the extent of one-half in bonds or notes, secured by mortgage in real estate in double the value of the loan."

March 21, 1870, Mr. Cook, an ex-reverend scoundrel, who was the subservient tool of Huntington and Shepherd, and served them well a year later in the passage of the act creating the District Ring government, introduced a bill to amend the charter of the Freedmen's Saving and Trust Company. In April Cook reported from the Committee on the District of Columbia a substitute to his bill, which authorized the bank to loan money on real estate. This substitute was forthwith passed without a word of discussion, without a single inquiry or suggestion. There was not even a formal vote. The Speaker asked the question: "Is there objection?" There was none; he declared the bill passed.

In this way the money of the freedmen was placed at the disposal of the managers of the bank and their outside "pals," who, in the language of the thieving fraternity, were working everything in the district for all it was worth. The thousand and one schemes of public improvement and private speculation that brought ruin to those engaged in them, brought also ruin to thousands of helpless and confiding negroes, trusting in those whom they looked upon as their deliverers from slavery only to be deceived and robbed by them.

## THE "SENECA SANDSTONE COMPANY."

It was this notorious swindle that reaped the first benefit from the new act. Within twelve days after the passage, Henry D. Cooke and W. T. Huntington made a loan on the second mortgage bonds of the Maryland Mining and Manufacturing Company, better known as the Seneca Sandstone Company. Huntington and Cooke were both stockholders of the company, and thus directly violated the twelfth section of the charter, which provided that

No president, vice-president, trustee, officer or steward of the corporation shall, directly or indirectly, borrow the funds of the corporation or its deposits, or in any manner use the same except to pay necessary expenses under the direction of the board of trustees.

This company was organized upon an investment made by Henry D. Cooke, Henry H. Dodge and John L. Kidwell, in a tract of land containing six hundred acres, situated in Montgomery county, Maryland. The purchase price was \$70,000, and the cost of the improvements made upon it was \$50,000. The land contained quarries of Seneca sandstone, and a charter was procured from the state of Maryland. Five thousand shares of stock were issued of the par value of \$100. The following is a list of the original stockholders of the Maryland Freestone Mining and Manufacturing Company:



DATES.	No. of Cer- tificates.	No. of Shares.	NAMES.
November 21, 1867.....	1	930	Henry D. Cooke
" " ".....	2	734	
" " ".....	3	930	John L. Kidwell
" " ".....	4	733	
" " ".....	5	930	Henry H. Dodge
" " ".....	6	735	
" " ".....	7	2	J. Heath Dodge
" " ".....	8	3	
" " ".....	9	2	Thomas Anderson
" " ".....	10	3	
Total.....		5,000	

The original stockholders made it their business to secure the names of leading men in Washington, both in civil and military and naval circles, as shareholders in this company. The object was to fill Washington full of public and private buildings built of Seneca sandstone.

The following is a list of the stockholders as they appear at present, and as they were transferred by Messrs. Cooke, Kidwell and Dodge. It will be seen from this how successful were these gentlemen in placing their stock where it would do the most good:

LIST OF STOCKHOLDERS AS THEY AT PRESENT APPEAR UPON THE BOOKS, AND AS THEY WERE TRANSFERRED BY MESSRS. COOKE, KIDWELL AND DODGE, SUBSEQUENTLY.

Date, Names and Shares.	Date, Names and Shares.
Nov. 22, 1867, B. B. French..... 200	Feb. 2, 1872, J. C. Kennedy..... 25
Nov. 22, 1867, William H. Seward..... 200	Feb. 2, 1872, J. C. Kennedy..... 20
Nov. 22, 1867, U. S. GRANT..... 200	Feb. 2, 1872, J. C. Kennedy..... 20
Nov. 22, 1867, J. K. Barnes..... 200	Feb. 2, 1872, J. C. Kennedy..... 10
Nov. 22, 1867, Caleb Cushing..... 200	March 9, 1870, Joseph L. Savage..... 80
Jan. 21, 1870, U. S. GRANT (div'd)..... 120	March 30, 1870, Mrs. M. W. Lynde..... 40
Jan. 21, 1870, Caleb Cushing (div'd)..... 120	Aug. 18, 1870, Wyman Crow and Ed. C. Cushman..... 160
Jan. 21, 1870, B. B. French (div'd)..... 120	Dec. 1, 1870, H. A. Risley..... 150
Jan. 21, 1870, E. B. Washburne (div'd)..... 120	Dec. 19, 1870, Thomas B. Bryan..... 320
Jan. 21, 1870, R. J. Dobbins..... 240	March 12, 1872, Thomas B. Bryan..... 40
Jan. 21, 1870, W. S. Huntington..... 60	March 24, 1871, J. W. Pilling..... 10
Jan. 17, 1868, E. Washburne..... 100	March 24, 1871, J. W. Pilling..... 10
May 5, 1868, E. B. Washburne..... 100	March 24, 1871, J. W. Pilling..... 10
May 2, 1868, R. J. Dobbins..... 200	March 24, 1871, James C. Pilling..... 10
March 1, 1870, R. J. Dobbins..... 40	April 12, 1871, Mrs. Chr. L. Burnett..... 160
Oct. 20, 1869, F. T. Dent (div'd)..... 100	April 12, 1871, N. W. Burchell..... 10
April 30, 1870, F. T. Dent (div'd)..... 40	April 13, 1871, Lewis Johnson & Co..... 50
Oct. 20, 1868, Mrs. H. L. Dent (div'd)..... 100	July 22, 1871, Riley A. Shinn..... 100
April 30, 1870, Mrs. H. L. Dent (div'd)..... 40	Dec. 12, 1871, Charles A. Nichols..... 50
Dec. 3, 1868, W. S. Huntington..... 100	March 12, 1872, Mrs. Maria V. Brown..... 125
Feb. 28, 1870, Caleb Cushing..... 3.5	March 12, 1872, R. T. Merrick..... 2
April 14, 1874, J. K. Barnes..... 60	March 12, 1872, W. F. Mattingly..... 2
Jan. 2, 1869, W. B. Love..... 3	March 15, 1872, W. G. Metzger & Co..... 2
Jan. 21, 1870, Wm. B. Love..... 1.8	March 22, 1872, Watkins Addison..... 5
Jan. 2, 1869, C. H. Hayden..... 30	March 22, 1872, Watkins Addison..... 5
Jan. 21, 1870, C. H. Hayden..... 21	March 22, 1872, Charles E. Mix..... 5
Feb. 17, 1869, J. A. Wills..... 100	March 22, 1872, R. P. Dodge..... 8
Jan. 21, 1870, J. A. Wills..... 60	March 28, 1872, J. V. N. Huyk..... 1
Jan. 25, 1869, W. B. Boggs..... 100	Dec. 21, 1872, J. V. N. Huyk..... 2
Jan. 21, 1870, W. B. Boggs..... 60	April 3, 1872, Evan Hughes..... 2
June 25, 1869, J. L. Kidwell..... 544	Nov. 13, 1872, Evan Hughes..... 12
Oct. 31, 1869, J. L. Kidwell..... 2	May 9, 1873, Evan Hughes..... 14
April 14, 1874, J. L. Kidwell..... 217.6	Dec. 19, 1872, A. H. Seward..... 80
July 13, 1869, E. D. Townsend..... 50	Dec. 19, 1872, F. H. Seward..... 80
Jan. 21, 1870, E. D. Townsend..... 30	Dec. 19, 1872, William H. Seward..... 80
July 13, 1869, Robert Williams..... 150	Dec. 19, 1872, Olive Risley Seward..... 80
Jan. 21, 1870, Robert Williams..... 90	Jan. 6, 1873, Francis Dodge..... 9.3
Jan. 21, 1870, H. R. Hubbard..... 120	Jan. 20, 1873, George Peter..... 4
June 2, 1870, H. R. Hubbard..... 100	May 9, 1873, Huyk & Addison..... 12
June 2, 1870, H. R. Hubbard..... 100	Aug. 22, 1873, J. H. Cochrane..... 80
Feb. 2, 1870, H. D. Cooke..... 468	Aug. 22, 1873, Enoch Totten..... 50
Sept. 27, 1870, H. D. Cooke..... 235	Aug. 22, 1873, Enoch Totten..... 50
April 15, 1871, H. D. Cooke..... 80	April 14, 1874, F. W. Jones..... 10
Jan. 20, 1873, H. D. Cooke..... 160	May 26, 1874, Edwin M. Sems (trust estate of Jay Cook & Co.)..... 400
May 20, 1873, H. D. Cooke..... 46	April 14, 1874, J. W. Alvord..... 10
Aug. 27, 1873, H. D. Cooke..... 100	Nov. 10, 1874, W. V. Brown, Jr..... 4
Jan. 2, 1874, H. D. Cooke..... 2	
Feb. 28, 1870, J. C. Kennedy..... 75	
March 1, 1870, J. C. Kennedy..... 80	

## HOW GRANT GOT IN—HOW THE FREEDMEN'S MONEY WENT.

It will be seen from this list that these gentlemen obtained subscriptions for the stock from several influential people. The President of the United States was a member of the Goodby Company, and the ex-Secretary of State, the Surgeon and Adjutant-General of the Army, and a host of others more or less intimately connected with the administration. Whether they were all in the same boat with Gen. Grant or not is not known. Although he permitted this swindling company to advertise that he had invested \$20,000 in its stock, he had not paid a single cent. To quote from a report made by the correspondence of the *New York Journal of Commerce*:

Your correspondent has authority that can be relied on for the statement that Gen. Grant never invested a dollar in the stock of the Seneca Sandstone Company, although his name appeared in the list of stockholders, and he voted by proxy in business meetings. Henry D. Cooke went to Gen. Grant and asked him to subscribe to the stock of the company. The general replied that he had not at that time any money he could spare for the investment. Mr. Cooke then requested the privilege of carrying 320 shares of stock for him. The request was granted. And that is how the late President of the United States came to own \$32,000 of Seneca Sandstone stock.

The first loan by the bank to this concern was made in the face of a resolution passed by the board of trustees as follows:

*Resolved*, That the company ought not to loan its funds upon mining and manufacturing stocks or bonds; and that the loan of that nature now existing ought to be called in as soon as it may be.

Again, as in the case of the purchase of the Northern Pacific bonds, Henry D. Cooke was ready with his report, which was as follows:

First resolution: The Committee beg leave to state respectfully that with the general proposition in this resolution they are in full accord. This case is, however, exceptional. First (in that) the Maryland Mining and Manufacturing Company is a well-known and solvent company, established and doing business in this city; its business is profitable; it is earning dividends, and its stocks and bonds are both well-known and have ready sale in this market; that it has real estate to the amount of six hundred acres of land, the farm thus constituted being one of the most productive and profitable in the state of Maryland.

The machinery and buildings in use as their works have cost over \$200,000, and the latter would sell for three-fourths of its original cost for use in any other quarry, even if it [they] were no longer needed for this; that the fifty-seven thousand dollars' worth of bonds of this company, which are held as collateral for this loan of the Freedmen's Savings and Trust Company (\$27,000), are really a first-mortgage bond, secured upon all this real estate and other property; that the whole issue of bonds is not equal to more than one-third [of] the value of the property, and therefore the loan itself comes fully within the stipulation of the charter of the bank, to wit: a loan on real estate to the extent of one-half the value thereof; or, even if this were not true, the loan comes fully and abundantly within the resolution unanimously adopted by the board May 12, 1870, touching the "available fund," that it shall be loaned "only on collateral of government or railway bonds, or other securities of a marketable value of at least 10 per cent. more than the loan. The marketable value of the bond held here as collateral is at least double the loan. \* \* \* Further, the quarry of this company is furnishing the stone from which the banking-house of this savings company is erecting. It employs constantly about three hundred colored men in its works and in this city, and it is in these respects an institution kindred with the bank; their interests are mutual. Those who from week to week and month to month watch over and strive to direct the best use of the freedmen's money in the bank are those who also afford them this field of valuable and profitable labor."

All this was untrue.

July 25th, 1870, the bank bought of the company \$20,000 of its first mortgage bonds at 90 cents, when they could not be sold on the street for 50 cents; not a dividend had been paid by the company since its organization in 1867, except in watered stock.

The following is the statement of George W. Stickney, actuary, concerning all the transactions of the bank with this company:

## ACTUARY STICKNEY'S STATEMENT.

WASHINGTON, D. C., Nov. 6, 1873.

J. M. LANGSTON, Esq., Chairman Special Committee:

At your request I would make the following statement as to transactions had by this company with the Maryland Mining and Manufacturing Company and with Messrs. Kilbourn & Evans:

First. As shown by the books of the company, May 18, 1870, \$4,000 were loaned to said Maryland Freestone and Mining Company, secured by \$10,000 of their second mortgage bonds.

Second. July 25, 1870, the Freedmen's Savings and Trust Company bought of said Maryland Freestone and Mining Company \$20,000 of their first mortgage bonds at ninety, with the verbal understanding that the company would take said bonds back from the bank at par after two years.



Third. July 17, 1871, a further loan was made of the Freedmen's Savings and Trust Company by said mining company of \$27,000, secured by \$49,000 second mortgage bonds of the same as collateral. This statement shows that up to January 2, 1872, the bank held of second mortgage bonds of the Maryland Mining and Manufacturing Company \$59,000, and \$20,000 of the first mortgage.

Fourth. On January 2, 1872, as shown by the books, the transactions as between the bank and said company were settled, said company at that date being in debt to the Freedmen's Savings and Trust Company for cash loaned.

First. Loan of May 18, 1870.....	\$4,000 00
Second. Loan of July 25, 1870, being amount paid for twenty first mortgage bonds.....	18,000 00
Third. Loan of July 17, 1871.....	27,000 00
Fourth. Interest due on above loans December 30, 1871.....	2,785 73

Total due Freedmen's Savings and Trust Company.....\$51,785 73

At this date, according to the books of this company, a transaction covering this whole matter was had with Messrs. Kilbourn & Evans, whereby their notes were given for \$50,000, payable six months after date and secured as follows, namely: Twenty-four shares American Dredging Company, Philadelphia, Penn., \$2,400; seventy-five shares Metropolitan Paving Company stock, 100 par value, \$7,500; one thousand shares market-house stock, 50 par value, \$50,000; forty shares National Metropolitan Life Insurance Company, \$2,000; one hundred and fifty bonds Maryland Mining and Manufacturing Company, \$509 each, \$75,000; and payment by the Maryland Freestone Mining and Manufacturing Company of \$1,785.73 on account of interest. This payment was made by check on the First National Bank, signed by C. W. Hayden, treasurer.

G. W. STICKNEY, Actuary.

#### CHEATING THE BANK OUT OF \$20,000.

The next transaction was to cheat the bank out of the \$20,000 of first mortgage bonds held by it. This was done by means of a substitution and colorable loan to Hallet, Kilbourn and John O. Evans. Ostensibly this transaction was for another and no less culpable purpose. The Seneca Sandstone Company was always a suspected corporation, and the public, and especially that portion of it interested in the fortunes of the freedmen, began to clamor about the connection of the bank with it. The newspapers had grown suspicious, and an investigation of the concern began to be demanded. To quiet the apprehensions of those whose money was at stake and the clamors of the press, a disreputable agreement was resorted to for the purpose of deceiving the public. The transaction with the Sandstone Company became a business arrangement with Messrs. Evans & Kilbourn, and the following agreement was entered into:

#### HOW IT WAS DONE.

OFFICE OF THE COMMISSIONERS OF THE FREEDMEN'S SAVINGS AND TRUST COMPANY, }  
Washington, D. C., December 30, 1873. }

The Freedmen's Savings and Trust Company have this day made a loan to John O. Evans and Hallet Kilbourn of \$50,000, upon the following-described securities as collateral to their note: \$2,400 stock American Dredging Company, Philadelphia; \$2,000 Metropolitan Insurance Company stock, Washington, District of Columbia; \$75,000 Maryland Freestone Manufacturing and Mining Company 6 per cent. gold bonds, Montgomery county, Maryland; \$7,500 Metropolitan Paving Company stock, Washington, District of Columbia; \$50,000 Washington Market House stock, Washington, District of Columbia. Said note is payable six months after date, with 10 per cent. interest; and in case said Evans and Kilbourn's note shall not be paid as it becomes due, then it is fully agreed that the Freedmen's Savings and Trust Company shall keep the \$75,000 bonds of the Maryland Freestone Manufacturing and Mining Company as full payment of said note and interest, and surrender to said Evans and Kilbourn the other securities above enumerated (save and except the \$75,000 bonds of the Maryland Freestone Manufacturing and Mining Company), together with their note.

D. L. EATON, Actuary.

Approved:

L. CLEPHANE,  
WM. S. HUNTINGTON,  
L. R. TUTTLE,  
Finance Committee.

In some mysterious way that it is difficult for honest men, unfamiliar with the intricacies of fraudulent banking, to understand, the bank finally became possessed of \$95,000 of second mortgage bonds which are not worth a cent, and were not at the time they were taken as security for the loan of \$51,785.73, which, with interest, now amounts to \$90,000 or \$100,000.

#### THE COMMISSIONERS APPOINTED WOULDN'T PROSECUTE THE ROGUES.

When the three commissioners were appointed to take charge of the business of winding up the affairs of the Freedmen's Bank, two were appointed for politi-

cal reasons—ex-Postmaster-General John A. J. Creswell and C. B. Purvis—and a third, R. H. T. Leipold, because he was a skilled accountant, then in the employ of the Treasury Department. The manner in which the two politicians, one of them Purvis, himself a colored man, treated the men who had swindled the freedmen is shown by the following testimony, taken before the Bruce Committee, concerning the means taken to recover the amounts lost by reason of the swindling transactions with the Seneca Sandstone Company. Concerning this Mr. Leipold testified as follows :

Mr. Leipold : Well, I think it was finally developed some time in 1875—the winter of 1875, I think. This conversation took place some time in the winter of 1875-76. After having a consultation with Colonel Totten, I went back to the bank and wrote a note to the other commissioners, which I have here. This is the original note that I wrote (producing the original). I see by the date that there must be some mistake as to the time. This was written in the summer of 1876, in July. (Reading :)

OFFICE OF THE COMMISSIONERS OF THE FREEDMEN'S SAVINGS AND TRUST COMPANY, }  
Washington, D. C., July 21, 1876. }

To Messrs. CRESWELL and PURVIS, Commissioners :

It having been shown, through some testimony taken in the suit against A. Langdon, that a number of deposit accounts were paid by the company after its suspension, June 29, 1874, especially one of \$1,000 to R. W. Tompkins, Colonel Totten suggests that suits should be brought for the recovery of all such moneys.

Colonel Totten also expresses it as his opinion that the trustees, and especially the members of the finance committee who approved what is known as the secret agreement in the Seneca Stone loan, can be held personally liable for the amount of said loan. Such being the case, it seems to me some definite action ought to be taken at once looking to a recovery of these moneys thus illegally paid out and invested.

I favor immediate action, and that the whole matter be turned over to Mr. Totten, with instructions to make a careful examination of the law bearing on these cases, and if he should find that the law sustains his opinion, he should be directed to proceed at once to the recovery of the several amounts.

R. H. T. LEIPOLD, Commissioner.

This note is indorsed as follows :

This matter had best lie over until it can be presented to all the commissioners, Mr. Purvis being now absent from Washington.

July 27, 1876.

JOHN A. J. CRESWELL.

Also (in pencil memorandum) :

This paper was on Mr. Purvis' desk until April 15, 1879, and never acted on.

R. L.

#### LETTER ADVISING ACTION LAID OVER.

Mr. Leipold (resuming) : I put this communication, as I did every matter of importance involving an exercise of discretion, on Mr. Purvis' desk. I did that on the 21st of July, 1876. On the 27th of July, 1876, Mr. Creswell indorsed this paper : "This matter had best lie over until it can be presented to all the commissioners, Mr. Purvis being absent from Washington." This paper then lay on Mr. Purvis' desk from that time until the 15th of April, 1879.

By Mr. Gordon: Q. And what was the year when it first laid there ?

A. In 1876. No action in writing was ever had on this subject by Commissioner Purvis. The matter was discussed between us as to the propriety of this thing, and Mr. Purvis was inclined to apologize for the board of trustees, both in this case and in a great many other cases, so that no united action could have been had against the board of trustees. In this connection, the Secretary of the Treasury, Mr. Bristow, sent for me to bring over these original papers. I do not know whether this was before or subsequent to this discussion of the matter. I took these papers to him; he looked at them and said: "Is this our Mr. Tuttle?" Mr. Tuttle was then Assistant-Treasurer of the United States. I said, "Yes." He seemed to be very much surprised at it, and expressed himself to the effect that he could not have any such man in his department—a man who would sign such an agreement as that. I had known Mr. Tuttle for a number of years, and did not believe that Mr. Tuttle would affix his signature to such a paper, if he knew the contents of it, and I told Mr. Bristow so. His reply was that no man had a right to put his name to a paper of that kind without knowing what was in it. And the result was that Mr. Tuttle left the department. Mr. Purvis has abused me once or twice in this case, because I have made known that thing—he taking the ground that gratitude on my part to this man who had elected me as commissioner ought to make me keep quiet on the subject. I do not know that that was exactly his language, but I know that "gratitude" was the word he made use of, that "common gratitude to those men ought to have prevented me from prosecuting them," or words to that effect. Of course, no other action has been taken as against the trustees in that matter.

#### WENT AFTER THE BANKRUPT COMPANY.

By Mr. Withers: Q. No action? A. I was about to say that we did proceed to some extent. I presented the coupons of the Seneca Sandstone Company's bonds we had in the bank, had them protested for non-payment, and then instructed the trustees to foreclose the mortgage. A bill was filed on behalf of the Freeman's Bank and other parties to have the property sold, and the property itself is now in litigation. That was all the action that was taken by the commissioners. I want to say here, that in some conversations which took place last summer about the violation of the charter by some of the trustees Mr. Purvis notified me that if I attempted to hold these men up to the ridicule of the community, I would find that they would defend themselves; and I replied to



him—and I think it was in the presence of Mr. Creswell—that I had no fears on that score; that whatever facts they knew they were welcome to bring out; I did not care anything about it.

By Mr. Garland: Q. After you read that letter, you stated, I believe, that you had some consultations with the other commissioners from time to time? A. Yes.

Q. And you agreed upon no definite course of action? A. No sir, not as against the trustees.

Q. Well, you gave Mr. Totten or your attorney no instructions to bring suit? A. No, sir.

#### MR. CRESWELL'S LAME EXCUSES.

Mr. Creswell testified about his unwillingness to prosecute these dishonest officials in the following unsatisfactory way:

Mr. Creswell: I do not remember.

The committee will observe that the finance committee had approved this transaction; it is signed by L. Clephane, William S. Huntington and L. Tuttle. My opinion was, to recover against them we would be obliged to show in court that they had proceeded corruptly. I knew Mr. Tuttle by reputation; I had heard his statement about the transaction, and I did not believe that we could succeed in fastening upon him any such imputation. Huntington was dead, and Mr. Clephane, I believe, I did not know; I do not believe that I had ever met him more than casually; and that was the reason why I hesitated in authorizing that proceeding. Of course, we could not reach Mr. Huntington, he being dead, nor could we reach the others, except by showing improper and corrupt motives.

Mr. Leipold: The points in the case are somewhat different from those stated by Mr. Creswell. I addressed a letter directing the trustees named in the mortgage to proceed to sell the property under the mortgage covering the bonds.

By Mr. Garland: Q. A letter to whom?

Mr. Leipold: A letter to Joseph T. Brown, who was trustee in the mortgage securing these bonds. And this Joseph T. Brown about the same time received another communication, from an opposing interest, requiring him to proceed to the sale of the property under the first mortgage bond; and although our letter reached him first, he nevertheless proceeded under the first mortgage bond, and it was subsequent to that we were brought into the courts about it.

Adjourned to Thursday, January 22, 1880.

#### IT WAS ALWAYS THUS WITH THE RING ROGUES.

Thus it is that throughout, from first to last, from the time the loan was made till now—the bank is wound up—the Seneca Sandstone Company has been a burden on the Freedmen's Savings and Trust Company. The managers of the Freedmen's Bank were closely connected with the District of Columbia Ring. Cooke was governor of the District and chairman of the notorious Board of Public Works, which was under the control of Alexander R. Shepherd; George W. Balloch, of the examining committee of the bank; William S. Huntington, of the finance committee; Z. B. Richards, of the board of trustees, and D. L. Eaton, actuary—these men were all connected in some official way with the District government. Huntington and Clephane, also of the finance committee, were also connected with the Metropolitan Paving Company. The Board of Public Works ran out of money and issued certificates, worthless unless Congress—with whom the Ring was growing in disfavor, largely because the Republicans had taken alarm at the rapidly-increasing strength of the Democrats—made appropriations to pay them. On these certificates, perfectly worthless as securities, the officers of the bank loaned the money of the freedmen.

D. L. Eaton, the actuary, was

#### BRIBED

with a half interest in a \$100,000 sewer pipe contract with a Ring contractor named Vandenburg, the transactions of whom, in connection with Shepherd and others, brought ruin and hopelessness into the home and heart of many a poor negro, his indebtedness to the bank standing at about \$144,164.83.

Before going to the testimony concerning these public improvement swindles, which Gen. Garfield so signally aided as Chairman of the Committee of Appropriations, it will be well to note that the "available fund" was scattered and wasted among such rotten securities as the Metropolitan Paving Company stock (worthless), Northern Pacific Railroad stock, Young Men's Christian Association stock (worthless.) This loan was secured by the Christian financier, Henry D. Cooke, and the Christian soldier, General O. O. Howard, Seneca Sandstone Company bonds, shares of International Steamship Supply Company, Morris

Mining Company stock, chattel mortgages on the furniture of the Arlington and St. James hotels, state bonds of Virginia, city bonds of Philadelphia, shares of Washington building associations, mortgage bonds of the Chesapeake and Ohio Railroad Company, shares of the American Seal Lock Company, state of Florida bonds, Detroit Car Loan Company stock, Columbia railroad stock, bonds of the First Congregational Church, Second National Bank stock, District of Columbia certificates, auditor's certificates, paving and curbstone tax, orders on the Board of Public Works, orders on and acceptances of the treasurer of county schools, life insurance policies, etc. As late as April, 1874, more than six months after the failure of Jay Cooke & Co., the bank made a loan and accepted as collateral an assignment of a claim on that firm for \$11,975.

#### HOW THE RING ROGUES GOT THE MONEY.

The following extracts from Auditor Stickney's testimony will show the manner in which the District Ring managed its financial transaction with the bank:

Q. Do you know of any loan at any time made to Vandenburg on the personal assurance of Alexander R. Shepherd that it would be paid in a day or two?

A. That loan was not made to Vandenburg. I recollect the transaction you refer to. It occurred in November, 1873. I was away at the time (simply for the Saturday). Governor Shepherd and Colonel Magruder came to Mr. Alvord and got the loan of \$50,000 on a \$30,000 check on the First National Bank, drawn by J. A. Magruder, treasurer, and on a \$20,000 certificate of the Board of Public Works, to be paid out of the first moneys that the board received when the appropriation was made by Congress. I found out from Mr. Tuttle, the assistant treasurer, as soon as the check was made for the amount of the appropriation, and the next morning, before the bank was opened, I went to the First National Bank and deposited this \$30,000 check, and got it placed to my credit by Mr. Swayne, the cashier of the First National Bank. The \$20,000 certificate ran along without being paid until February or March, 1874. One day, as I was in the Metropolitan National Bank, Mr. Moses Kelly said that the Board of Public Works wanted a loan of \$35,000, and would give a 6 per cent. bond on the District of Columbia for it. Mr. Kelly was one of the finance committee at the time, and he advised that the loan be made, saying that it was a good loan and the bonds were good. The market price was then 85, and the bonds could be sold in any amount for that. I told him I was not willing to make that loan, unless the \$20,000 certificate was included in it, and bonds deposited enough to cover the \$55,000. That was agreed to, and I made the loan of \$35,000, and took \$65,000 in bonds to cover that loan and the \$20,000 certificate, which made the amount \$55,000. That ran along some time, something less than a month, when the whole amount was paid. Mr. Vandenburg had nothing whatever to do with it, unless perhaps he got the money from the Board of Public Works. The loan of \$50,000 was made to Governor Shepherd by Mr. Alvord.

Q. What was the certificate worth at that time. A. None of the certificates or obligations of the Board of Public Works were ever worth less than 85 or 90 up to that date. None of them brought less than 80 or 85 until after the panic. That certificate was put into this new loan.

#### HOW SHEPHERD HELPED VANDENBURGH TO OTHER MEN'S MONEY.

Q. Did you never say to C. B. Purvis, or to any other person, that you had done one wrong thing, and that was allowing that money to be paid to Vandenburg on the personal pledge of Shepherd. A. No, sir; I have no recollection of that. I know where Dr. Purvis got that idea. In November, 1872, Vandenburg came to me and wanted some more money—five or six thousand dollars—to pay his men. I told him that he was so much indebted to the bank that I did not feel like letting him have any more money on the securities of the Board of Public Works, as other people seemed to get their money and we could not. He said it was for Mr. Shepherd. I went to Mr. Shepherd and he said, "If you allow Vandenburg to have that amount of money now, you shall have all that is due you paid up when we get the first appropriation; but if you let him have any more, it will be your own lookout." I let him have about \$5,000 on that occasion, and when the appropriation was made I got \$22,000 of him instead of some hundred and odd thousand, as was promised; but as to any sum of \$30,000, I know nothing about it.

Q. Did Mr. Shepherd agree that he would pay that money himself? A. No; he agreed that it should be paid out of the first appropriation that the board got from Congress.

Q. And you got \$22,000 instead of \$100,000? A. Yes; there was due the bank from Vandenburg and the Paving Company some \$100,000, and we got about \$22,000.

Q. You mean to say that when that loan of \$5,000 was made, Mr. Shepherd said that you should have the whole amount that had been loaned by the bank, which at that time was over \$100,000? A. Yes, sir.

Among the new facts brought out by Senator Bruce's committee was the fact that the officers of the bank, especially Mr. Huntington, were in the habit of loaning money to themselves in violation of the charter. Clephane also, another member of the finance committee, was in the habit of breaking the law. He testified before the Bruce committee that he and Hallet Kilbourn at one time borrowed \$2,000 on Metropolitan Paving Company's stock. All these loans and a number of others were made mainly on worthless securities, almost always on securities not recognized by the bank's charter.

The notorious firm of Kilbourn & Latta, real estate brokers, was employed to appraise the value of real property on which loans were solicited. Many of these loans were secured by this firm as brokers, and the result was, as might have been anticipated, the property was valued at about double its value, and it has been found impossible to realize the mortgage debts on much of it.



## SOME SPECIMEN LOANS ON RING REAL ESTATE.

The following are from the list of properties taken by the commissioners on deeds of trust, and illustrate how the bank was swindled by its real estate loans. The following list is to be found in the Bruce report :

Location and description.	Bought in for—	When purchased.	How acquired.	Remarks.
Alley between Twenty-fourth and Twenty-fifth and M and N streets northwest. Two-room frame shanty. Twenty-first street, between N and O streets northwest. Vacant lot.	\$130 00 275 00	Apr. 8, 1876 Sept. 27, 1876	Under deed of trust. do.	Balance due on loan after crediting proceeds of sale, \$99.26; deemed worthless. Balance due on loan after crediting proceeds of sale, \$50.64; deemed worthless. Bought in before failure of company.
1826 Lawrence street. Six-room frame house, with hall; sewerage.	1,125 00	Jan. 4, 1876	do.	Balance due on loan after crediting proceeds of sale, \$724.28; deemed worthless.
Oregon and Eighteenth streets northwest. Eleven improved lots.	2,339 00	Apr. 18, 1876	do.	Balance due on loan after crediting proceeds of sale, \$2,806.78; deemed worthless.
Alley between Sixteenth and Seventeenth and L and M streets northwest. Vacant lot.	130 00	Oct. 30, 1876	do.	Balance due on loan after crediting proceeds of sale, \$32.86; deemed worthless.
R Fifteenth and Corcoran streets northwest. Vacant lots; brick sidewalks; concrete carriageway; lots terraced and parked.	\$8,721 01 (or from 224 to 40 cents per foot.)	Jan. 4, 1876	do.	Balance due on loan after crediting proceeds of sale, \$14,038.59; deemed worthless. Original purchase 21 lots, of which four have been sold.
Eleventh street near boundary. Vacant lot.	304 26	Nov. 30, 1875	do.	Balance due on loan after crediting proceeds of sale, \$221.05; deemed worthless.
Eleventh street, between Q and R streets northwest. Two frame shanties.	325 00	May 24, 1877	do.	Balance due on loan after crediting proceeds of sale, \$361.28.
Eleventh street between Q and R streets northwest. Vacant lot.	730 00	Apr. 19, 1875	do.	Balance due on loan after crediting proceeds of sale, \$192.42. Balance paid in part.
Southwest corner Vermont avenue and T street. Vacant lots.	225 00 (subject to taxes.)	Apr. 23, 1878	do.	Original purchase 7 lots, of which 4 have been sold. Balance due on loan after crediting proceeds of sale, \$498.50.
T street near Vermont avenue northwest. Vacant lots.	1,738 32	Apr. 7, 1874	do.	Original purchase 7 lots, of which 4 have been sold. Bought in before failure of company.
1549 Columbia street northwest. Three-story brick house, with three-story back building, newly painted and renovated; nine rooms, all modern improvements. Frame house northwest corner G and Third streets northwest.	2,800 00	Dec. 16, 1876	do.	Balance due on loan after crediting proceeds of sale, \$6,566.73. Judgment for balance.
122 Pierce street. Two-story and basement frame house; one-story back building; eight rooms.	1,350 00 (subject to taxes.)	June 17, 1879	do.	Balance due on loan after crediting proceeds of sale, \$4,039.10; deemed worthless. Sale not yet confirmed.
1014 and 1016 New Jersey avenue northwest. Two one-story frames, two rooms and kitchen; street and sidewalk paved.	750 00	Aug. 28, 1876	do.	Balance due on loan after crediting proceeds of sale, \$210; deemed worthless.
North Capitol and C streets. Vacant lots, except four small buildings; street and sidewalk paved.	500 00 (subject to special improvement taxes) 10,964 89 (or 40 to 67 cts pr ft.)	July 5, 1877 Apr. 8, 1876	do. do.	Balance due on loan after crediting proceeds of sale, \$244.61; deemed worthless. Balance due on loan after crediting proceeds of sale, \$5,695.41. Balance deemed worthless.

Location and description.	Bought in for—	When purchased.	How acquired.	Remarks.
444 First street southwest. Two-story pressed brick front; sidewalk paved; Belgian block carriageway.	\$875 00	June 13, 1876	....do. ....	Balance due on loan after crediting proceeds of sale, \$2.01. Original purchase four lots, of which two have been sold.
Half street between N and O streets southeast. Vacant lots.	4 cents per foot.	July 3, 1877	....do. ....	Balance due on loan after crediting proceeds of sale, \$3,663.38. Balance deemed worthless.
213 East Capitol street. Four-story and basement brick dwelling; all modern improvements; two-story brick stable in the rear.	14,000 00	Jan. 17, 1876	....do. ....	Balance due on loan after crediting proceeds of sale, \$2,692.25, interest and taxes. Title in litigation.
114 C street northeast. Three-story and basement pressed brick front; all modern improvements.	4,600 00	Oct. 14, 1875	... do ...	Balance due on loan after crediting proceeds of sale, \$465.64. Balance deemed worthless.
116 C street, northeast. Three-story and basement pressed brick front, with two-story back building; all modern improvements.	3,600 00	July 23, 1878	....do. ....	Balance due on loan after crediting proceeds of sale, \$4,430.43. Balance deemed worthless.
126 Pennsylvania avenue east. Three-story and basement pressed brick front; all modern improvements.	1,400 00	Mar. 17, 1876	....do. ....	Amount of prior trust assumed and paid, \$6,128.89. Balance due on loans after crediting proceeds of sale, \$1,142.69. Deemed worthless. Title in litigation.
402 First street southeast. Two-story and basement frame house; all modern improvements.	1,500 00	May 29, 1876	....do. ....	Balance due on loan after crediting proceeds of sale, \$529.05. Balance deemed worthless.
B street between Third and Fourth streets northeast. Vacant lot.	46 cents per foot.	Apr. 3, 1875	....do. ....	Balance due on loan after crediting proceeds of sale, \$161.97. Balance deemed worthless.
412 E street southeast. Two-story frame house.	275 00	Dec. 21, 1875	....do. ....	Balance due on loan after crediting proceeds of sale, \$418.00. Balance deemed worthless.
Maryland avenue, Eighth and North E streets. Vacant lots.	10 cents per foot.	May 3, 1876	....do. ....	Balance due on loan after crediting proceeds of sale, \$1,605.40. Balance deemed worthless.
Twelfth and N streets southeast. Vacant lots.	14 cents per foot.	Oct. 3, 1877	....do. ....	Balance due on loan after crediting proceeds of sale, \$76.20. Balance deemed worthless.
Pennsylvania avenue between Fifteenth and Fifteenth-and-a-half streets.	258,315 66		By direct purchase and construction.	Banking-house and adjacent property.
2018 Tenth street northwest. Two-story brick house.	1,450 00	Aug. 4, 1875	Under deed of trust.	Balance due on loan after crediting proceeds of sale, \$76.08. Balance deemed worthless.
1603 Twelfth street northwest. Two-story frame shanty.	1,025 00	Mar. 18, 1875	....do. ....	Balance due on loan after crediting proceeds of sale, \$1.72. Sold and reacquired.



## THE ROUTINE BUSINESS

of the bank was managed as might have been expected of a gang of plunderers. The clerks did as they would without supervision. The institution was not a business concern; it was a means for easy plundering; its accounts were not subject to scrutiny, and it made no manner of difference that the books were incorrect. Incorrect charges were made and proper credits were not given. The consequence was that the books furnish no reliable evidence against any debtor of the bank.

The following from Mr. Sperry's testimony before the Bruce committee will throw light on the manner in which the regular routine business of the bank was managed: He testified that the employees were all inexperienced persons, mainly young colored men to whom the managers of the bank ostentatiously gave the preference, while robbing the rest of the race. Perhaps it was as well for their schemes that those about them should be inexperienced and ignorant. With such guardians it was easy to mutilate the books and to tear out leaves containing damaging stories.

Being asked what were his duties in connection with the Washington branch of the bank, Mr. Sperry answered:

A. I was put in there at various times, if possible, to straighten out the accounts, to organize the business, and I did my best to do so. I had various persons to help me. The blunders simply ran over me; that is all there is about it. I stopped the business once and opened a new set of books. The new set of books was worse than the old set. I am reflecting on nobody, sir; I am simply stating the facts.

Q. The blunders, you say, simply overwhelmed you? A. Yes, sir; they just overwhelmed me. Why, you could not settle the cash any night. Sometimes they were from five thousand dollars to five cents one way, and sometimes they were t'other way. Everybody felt like going out and having a special oyster supper if the thing came out even.

Q. It was an exception, you mean, to have it come out even? A. That is what I mean, sir. Put the actuary on the stand and ask him if he don't remember those times.

Q. When the account of cash was over or under, what did the officers of the bank do about it? A. Oh, they did the best they could—opened a debit and credit account with the branch, and profit and loss on the books of the principal office. If the cash was "over" we took possession of it. When it was short we made it up. We always waited for something to turn up.

Q. That is, you transferred from one side of the account to the other? A. That is, to say, we would start the teller right in the morning anyhow, and keep an account of the errors and omissions that might occur from time to time. Things were continually coming up. "Overs" were accounted for generally by some deposit turning up that had not been properly entered on the deposit journal. Then these things were so numerous that they have furnished your experts legitimate occupation for some months, I understand, and they have not yet got the profit and loss account cleared up, I see.

With such management and such dishonesty, is it any wonder that this Republican institution for the benefit of the freedmen met with disaster, and its poor dupes with ruin?

In 1874 the affairs of the bank were placed in the hands of three commissioners. Their acts have been investigated by a committee of which Senator B. K. Bruce, of Mississippi, was chairman. He has made a long and patient investigation, and the testimony taken before his committee corroborates the story as already told in these pages. It does more, for it makes certain that even in its winding up the Freedmen's Saving and Trust Company and its poor creditors were still the victims of unscrupulous politicians. Both Purvis and Creswell paid no more attention to the affairs of the concern than though they had never been employed to look after the business at salaries of \$3,000 per annum. Leipold alone did his work.

The following is a statement of the extraordinary cost this commission has been to the bank:

## COST OF WINDING UP THE BANK.

*Statement of the annual expenses attending the appointment of the Commission, and its management of the business of the Freedmen's Savings and Trust Company.*

Character of Expenditures.	From July 13 to December 31, 1874.	1875.	1876.	1877.	From January 1 to November 30, 1878.	Totals.
Salaries of commissioners.....	\$4,308 32	\$9,000 00	\$9,000 00	\$9,000 00	\$8,250 00	\$39,558 32
Salaries of agents.....	24,912 24	17,046 91	9,925 74	5,054 92	7,289 76	64,229 57
Advertising, stationary, express- age, postage and other ordinary expenses.....	4,266 37	4,539 17	1,217 17	631 91	1,106 47	11,761 09
Attorneys' fees and costs.....	2,503 65	7,306 74	10,362 99	7,019 03	4,186 41	31,378 82
Rents.....	7,993 32	1,298 00				9,231 32
Expenses incident to loans, insur- ance, advertising, auctioneers' fees, expenses of foreclosure, &c.	4,570 89	6,279 89	10,596 92	3,509 21	3,279 91	28,236 34
Expenses incident to the mainte- nance of properties, insurance re- pairs, fuel, gas, &c.....	2,715 26	9,675 37	10,035 23	9,811 01	7,907 69	40,145 04
Taxes and arrearages of taxes.....	17,933 28	14,387 90	26,691 95	11,942 16	7,780 01	78,735 30
Prior incumbrances.....	4,986 38	572 26	6,379 27	416 80	76 83	12,381 54
Miscellaneous expenses, premiums on coin, over-payments refunded, judgments against company, &c.	316 72	1,511 09	1,169 98	49 55	57 96	3,096 30
Total annual expenditure.....	74,456 43	71,557 33	85,370 25	47,434 59	39,935 04	318,753 64

The following statements of transactions, not heretofore fully narrated, are taken from the report of the Bruce committee:

## J. C. KENNEDY LOAN.

A loan was made to J. C. Kennedy, March 27, 1872, for \$12,000, on \$20,000 second-mortgage bonds of the Seneca Sandstone Company. This loan was made just after the questionable transactions between the bank, the Seneca Stone Company, and Kilbourn and Evans, and made on the same kind of worthless security. This loan has never been paid, and the question of settlement is now pending in the courts on suit brought by the commissioners. The probabilities are that this amount will be lost to the bank.

## VANDENBURGH.

Another set of loans by which the bank will suffer heavy loss are those made to J. V. W. Vandenberg and the Abbott Paving Company, of which Vandenberg was treasurer. Loans amounting in the aggregate to \$122,000 were made to Vandenberg, the collateral for which consisted of certificates of the Board of Public Works of the District of Columbia, and approved bills against the District for work done improving streets, etc.

There is still due the bank from Vandenberg about \$77,000.

The Abbott Paving Company, of which Vandenberg was treasurer, also obtained large sums from the bank in the nature of loans, for which the same class of securities were given as in the Vandenberg loans. The loans to the Abbott Paving Company aggregated \$89,000, of which about \$48,000 have been paid. It is estimated that the loss to the bank in these two cases will reach between \$50,000 and \$75,000.

The loans made to Vandenberg and the Abbott Paving Company were made at various times during the years 1870-'71-'72-'73 and '74.

## EVANS LYONS LOAN.

The Loan of \$34,000 to Evan Lyons, made on the 23d of July, 1872, has caused a loss of \$25,000 to the bank. The collateral given consisted of 60 acres of land, known as the Lyons Mill Seat, in Washington county. Lyons made four applications for loans of smaller amounts, offering in each case the same collateral. Upon presentation of the application to the finance committee it was repeatedly rejected, and on the 8th of May, 1872, it was rejected absolutely. Yet on the 23d of July following the same finance committee approved this loan to him for \$34,000. The board of trustees, at a meeting of May 16th, 1870, expressly forbid the making of any loan for a longer period than one year. When the bank closed in June, 1874, this loan remained unpaid, and when the affairs of the bank were turned over to the present commissioners there was due from Lyons, including accrued interest, the sum of \$38,188.37.

The commissioners of the company subsequently sold the property under the deed of trust held by the bank, and bought it for \$40,300. They still hold the property, being unable to obtain a purchaser for it at a price anywhere near the amount of indebtedness. It is estimated that the loss on this loan will amount to \$25,000. This statement of facts, taken from the books of the company, was not satisfactorily explained by the testimony taken on this point.



## R. I. FLEMING LOANS.

The loans made to R. I. Fleming aggregated about \$224,000. A balance is still due from Fleming of \$35,026.98. The securities taken for the loans made to Fleming were often insufficient, consisting mainly of approved bills against the District of Columbia, Young Men's Christian Association stock, and collaterals of that character, and in some cases no security was taken. Fleming is now bankrupt, and there is very little prospect of the Freedman's Savings and Trust Company ever realizing anything on his indebtedness. The estimated loss on the Fleming loans will aggregate \$32,000. The following named were members of finance committee and approved many of the loans made to Fleming, viz.: Messrs. Kelly, Cooke, Huntington, Richards, Langston, Balloch, Clephane and Tuttle.

## JUAN BOYLE LOANS.

The loans appearing in the name of Juan Boyle were made in direct violation of the charter. The board of trustees had, by a yea-and-nay vote, closed the bank on the 29th of June, 1874. The books show that \$33,366.66 was loaned Boyle on the 30th of June, the day after. For one loan, viz., \$4,366.66 no collateral whatever appears to have been taken, and for the other, viz., \$29,000, collateral utterly worthless was accepted, in direct violation of the amended charter, which provided that the collateral in all cases should be of double the value of the loan. In this case it amounted to but \$18,000, \$10,000 of which turned out to be of no value whatever. The \$10,000 note of Boyle, part of the security, was secured by real estate upon which there existed a prior lien, and the real estate in question was sold under this prior lien, thus leaving only the \$8,000 of railroad bonds.

The estimated loss on the Boyle loans is \$31,000, which includes interest, cost and expenses. These loans were not approved by the finance committee or the board of trustees.

The result of the Bruce investigation was a bill introduced by Mr. Garland, a Democratic Senator from Arkansas, repealing the act providing for the three commissioners and turning the institution over to the Comptroller of the Currency, with power to sell the bank's property and institute civil and criminal proceedings against the men who robbed the freedmen.

## TWELVE YEARS OF FRAUD, PLUNDER AND PECULATION—THE EMMA MINE.

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A brief history of some of the peculations and corruptions which have characterized the last twelve years of radical rule are gathered from the official records of the government. One of these scented flowers in the bouquet of Civil Service corruption is presented in the case of the "Emma Mine," showing how for the first time in our history an American minister has used his official station to fleece the people to whom he was sent as the representative of America.

### THE EMMA MINE.

In 1871 Trenor W. Park and Henry H. Baxter, American citizens, purchased 9-16 interest in the Emma mine, situated in Utah, for which they paid \$468,750, or at the rate of \$1,500,000 for the whole mine. The purchase was subject to a litigated claim of James E. Lyon, of Wisconsin, for one-third. Lyon employed Senator William M. Stewart as his attorney.

The Emma mine was extensively worked up abroad. Fabulous stories were circulated about the production of silver from its richly-laden veins. Extraordinary efforts were made during the summer of 1871 to secure a large product of ore, and the mine was exhausted in the effort. The ore was shipped to England and sold, and the mining world was fully informed of the large yield and extraordinary prices obtained. In September, Park, representing the owners of the mine, and Stewart, representing Lyon, went to Europe to float their bauble upon the English market. Albert Grant, the great European speculator, whose star of prosperity was at its zenith at that time, agreed to put the mine upon the market.

### THE SCHEME CONCOCTED.

The contract with Grant provided that the property should be capitalized at £1,000,000, or \$4,500,000 more than the estimated value of the mine. One-half of the property was to be offered to the public in £20 shares, and the other half to be retained by the vendors for nine months, unless Grant & Co. should consent to their sale at an earlier date. For "promoting" the company Grant was to receive 20 per cent. on the sales. He was also to keep up the market by buying the vendors' shares whenever it became necessary, at a premium. There was one other and very important stipulation exacted by Grant in connection with his job to bloat the mine. That was the association with the enterprise of Minister Schenck

### HOW MR. SCHENCK CAME IN.

In November, 1871, Robert C. Schenck was minister of the United States at the Court of St. James. When Park and Stewart arrived in England they deter-



mined to secure his official influence. They treated him just as Oakes Ames did Garfield in the Credit Mobilier transaction. Park proposed to Schenck that he should become a subscriber in the company to the extent of 500 shares, par value £10,000, with the understanding that he should not be required to pay any money, but should have the amount for one year without interest. Park also guaranteed that dividends should be paid on Gen. Schenck's stock at the rate of  $1\frac{1}{2}$  per cent. per month, or 18 per cent. per annum as long as he held it. The 25 shares were sold by Gen. Schenck to a lady residing in Paris as an act of friendship for £500.

#### GENERAL SCHENCK RAISES THE BLIND.

As soon as the American minister had become interested in the company without expending a dollar of his money, he consented readily to become a director. A salary of \$2,500 was paid to each of the directors. A prospectus was issued containing a list of directors, among them the name of "Gen. Robert C. Schenck, United States minister, London." In the body of the prospectus was the following paragraph :

"Major-Gen. Schenck, *on account of the exceptional character* of the undertaking, has consented to act as one of the directors."

The prospectus contained a number of lies at the outset. It stated that the profits for four months were £231,059, or at the rate of £700,000 per annum. Dividends were paid for thirteen months at the rate of  $1\frac{1}{2}$  per cent. Shares went up to £32 and the owners quietly unloaded. In December, 1872, the scheme exploded, and shares in the following May sold at £1 5s. Innocent investors suffered great loss and distress. Hundreds of poor people, attracted by the indorsement of the American minister, put their savings into the scheme and lost everything.

#### GENERAL SCHENCK THROWS UP HIS HAND.

As soon as the fact of Schenck's connection with the mine became known in the United States, the newspapers criticised his conduct severely, and Schenck, like Garfield in a similar plight, began to squirm and prevaricate. He said he had paid "dollar for dollar" for his shares, which was entirely false. Schenck then retired from the directorship, but gave the scheme a parting puff in so doing. He said: "I have the fullest confidence in the value and profitableness of the property they have in charge."

In April, 1872, Schenck obtained 300 additional shares and sold them at a profit of \$10,000. Park notified Schenck by telegraph when the scheme would burst, and Schenck immediately ordered 2,000 shares sold on Park's account, 500 on Woodhull's account (Woodhull was Secretary of Legation), 200 shares of his 475 investment shares.

After a full investigation of the transaction, the House committee passed the following: *Resolved*, That this House condemns the action of Gen. Robert E. Schenck, United States minister at the Court of St. James, in becoming a director of the Emma Silver Mining Company of London, and his operations in connection with the shares of the said company, and the vendors thereof, as ill-advised, unfortunate and incompatible with the duties of his official position."

This case (like the DeGolyer fee) finally came into court, and in London, on the 29th of July, 1880, Sir George Jessel, Master of the Rolls, gave judgment against Albert Grant in favor of the Emma Mining Company for £120,000, that sum being claimed by Grant as profit for floating the company. Sir George Jessel held that Grant, by making a profit as promoter of the company, was guilty of breach of trust.

## THE WHISKY RING.

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### A REMARKABLE EPOCH OF OFFICIAL CORRUPTION.

Whisky Rings of greater or less magnitude have been in existence ever since the tax was first imposed upon distilled spirits. They flourished from 1862 to 1874, but it was not until Gen. Bristow, then Secretary of the Treasury, began his fight against the violators of the law in Missouri and Illinois, and the ramifications of the conspiracy were found to extend into the White House, that public attention was attracted to the enormity of their frauds. In 1862 the first tax was imposed upon whisky.

### THE INCIPIENT WHISKY RINGS.

The civil war was raging, and it became necessary for the government to increase its revenues. There had previously been much talk about imposing a tax on spirits, and shrewd speculators had bought immense quantities of whisky and were holding it for the rise in price which would follow the imposition of the tax. The Committee of Ways and Means recommended that a tax of twenty cents per gallon be imposed upon domestic spirits. An attempt was made to make this tax apply to spirits already manufactured. The whisky dealers assembled at the capital by hundreds, begged and bribed members of Congress to vote against the proposition, and it was defeated. The tax was levied only upon spirits manufactured after the passage of the law. Millions were made by the speculators within two years from the imposition of the first tax. An increase of the duty was agitated; the same tactics were repeated; distilleries were enlarged and the capacity of stills was increased. It is estimated that the speculators had 25,000,000 gallons on hand, and were manufacturing hundreds of thousands of gallons daily.

Of course, the high tax levied upon spirits was really a premium on fraud. If a distiller could manage to make a few gallons per day of "crooked" whisky his profits were enormous. The Ring was liberal in its expenditure of money. The campaign expenses of members of Congress were paid by the distillers, and a favorite method of securing influence was to buy a hundred barrels of whisky on commission for certain Congressmen, selling after the tax bill had passed.

### THE RING CONTROLS THE REPUBLICAN ADMINISTRATION.

A very large proportion of the campaign expenses of the Republican party in 1868, and again in 1872, were paid by the Rings. In return for their services they demanded the means of making money rapidly, and their shameful robberies were winked at by the party in power. Combinations were formed with the Federal officials at St. Louis, Chicago, Evansville and Milwaukee. Officers of the government were appointed at the direction of the Rings. Local revenue officials were selected by the members of Congress, who designated appointments, and the members themselves were elected with the Ring's money. In Galena, Ill., the north-



western Ring was very powerful. The Galena Ring nominated the Federal officials for Chicago. J. Russell Jones, a particular friend of Grant's, was collector of customs. Ben. H. Campbell, Babcock's father-in-law, was marshal of the Northern district of Illinois. The collector of internal revenue was controlled by Campbell. Senator Logan was credited with being on terms of great intimacy with the Ring. Dan Munn, the supervisor for the district comprising Indiana, Illinois and Wisconsin, was a particular pet of Logan's. Munn was connected with the frauds which brought the administration into such bad odor in 1874.

#### WHY GRANT WAS SUSPECTED OF COMPLICITY.

The perpetration of frauds on the revenue would have been impossible with honest men in office. When the administration was fortunate enough to stumble upon an honest and capable man, he was not allowed to remain long in office. The appointment of an honest collector of internal revenue in any district where the Rings were in power was certain to be followed by the advent of an army of politicians into Washington clamorous for his head. Grant always yielded. He obeyed their behests implicitly. It is not a matter of surprise that people began to suspect that the ramifications of the Ring extended to the White House. In May, 1869, Col. Jussen, a brother-in-law of Carl Schurz, was appointed collector of internal revenue at Chicago. Jussen was an honest officer. The dealers attempted to buy him, but failed. He detected a gauger by the name of Lamper stealing high wines, and had the temerity to discharge him. Lamper was given another office by Grant, but Jussen was not disturbed. A few months after he had taken the office, Orville Grant, the President's brother, who was then in business in Chicago, approached Mr. Jussen, and proposed that he should join him in defrauding the government by permitting a certain distillery to run double its registered capacity. Mr. Orville Grant moralized as follows:

"If you decline, the government will gain nothing, for in that event the distillery will not increase its product. If you consent, the same tax which you now collect will still be paid, and the receipts of the government will, therefore, not be diminished. A few barrels more or less on the market cannot depress the quotations, and the competitors who do not enjoy the privileges I ask for my friends cannot suffer. There can really be no fraud in the transactions proposed. *Moreover, I shall see to it that all is safe at Washington.*" Mr. Jussen, of course, declined the job. The collector's honesty was a serious barrier to the operations of the Ring. Congressman Farwell and the local politicians joined hands in securing Mr. Jussen's removal. Senator Logan gave his assistance to the movement, and the President, without any complaint being made by the Treasury Department, unceremoniously removed him.

#### MILWAUKEE WHISKY RING.

In June, 1874, Bunker & Rogers' distillery in Madison, Wis., was seized for shipping high wines, without compliance with the revenue laws, to Sam. Rhindskopf of Milwaukee and the Killian Bros. of Chicago. As soon as the seizure was made Supervisor Munn went to Madison to take possession of the books and papers of the firms. The correspondence he thus obtained would have convicted all the guilty parties.

Sam. Rhindskopf of Milwaukee, whose guilty participation in the fraud was so apparent that he could not be shielded, was arrested. He had the powerful assistance of Senator Carpenter of Wisconsin to save him from punishment. He was indicted, but the case was postponed from time to time at the request of Senator

Carpenter. Commissioner of Internal Revenue Douglass ordered the district attorney to continue the case, and the probability is, if the Commissioner's instructions had been obeyed, that Rhinskopf would never have been brought to trial. The district attorney, however, proceeded with the case, and Rhinskopf was convicted and sentenced to pay a fine of \$5,000 and be imprisoned in the county jail for one day only. The fine was a mere bagatelle. The imprisonment was an amusement. He passed the day in the company of his intimate friends, to whom he gave one of the most magnificent entertainments that was ever heard of in Madison.

The Whisky Ring purchased a newspaper and ran it as a Carpenter organ.

The special revenue agent for that district, Mr. Burpee, was removed at the demand of Keyes, the Chairman of the Republican State Central Committee, and a willing tool was appointed in his stead.

Every Democratic district in Milwaukee was carried by the Republicans on a liberal use of the Whisky Ring money.

When the books of Rhinskopf were seized, the check-book stubs showed that each distiller and rectifier in Milwaukee was assessed \$300 per month for the "boss" of the Republican "machine," Mr. Conklin.

#### THE WHITE HOUSE AND THE RING.

In 1874 Gen. B. H. Bristow was appointed Secretary of the Treasury. Immediately after his confirmation by the Senate he began an active warfare against the Whisky Ring. His lieutenant was Bluford Wilson, Solicitor of the Treasury. George W. Fishback, of St. Louis, communicated to Gen. Bristow the fact that an organized system of fraud upon the internal revenue existed in that city.

It appeared that the officers of the revenue service in that city, from Supervisor McDonald down to and including nearly every gauger and storekeeper in the public service, and every distiller and rectifier in St. Louis, were banded together in active efforts to defraud the revenue. It was necessary that every movement made under the direction of the Secretary of the Treasury should be kept secret. In March, 1875, the nets were thrown out by trusted agents of the department, under the direction of Gen. Bristow. The Chicago distillers were watched and detected in their frauds. The government devoted its principal attention to the frauds in St. Louis. McDonald, the supervisor of internal revenue, was confronted by Gen. Bristow with the proofs of the frauds committed by himself and his confederates. He broke down and admitted the truth of the charge. To Mr. Wilson he said that the interests of the Republican party in Missouri, and in his district, would be damaged greatly by the seizure of the distilleries. He said that arrangements had been made to heal the dissensions then existing in the Republican party in that state, and he claimed that he could do more for the party in the ensuing Presidential campaign than any other man, or ten men, that could be found. But the Secretary of the Treasury and the Solicitor were not influenced by political considerations. McDonald confessed his guilt to the President, *but he was never dismissed*. McDonald, Joyce, McKee, Avery and other parties were arrested shortly afterwards, indictments having been found against them for complicity in the whisky frauds. David P. Dyer was the district attorney in St. Louis. J. B. Henderson and Lucien B. Eaton were appointed his assistants. The rogues were convicted and sentenced to prison.

About this time suspicions were aroused that the President's private secretary, Orville E. Babcock, was concerned in these frauds. It was not known whether the ramifications of the Ring extended above the private secretary of the President



or not, but certain it is that when the evidence implicating Babcock reached President Grant there was a marked change in his demeanor. Secretary Bristow's course was not approved by the President, and the rumor was current that he would soon be forced to surrender the Treasury portfolio.

In August it was discovered that the celebrated "Sylph" telegram was in Gen. Babcock's handwriting, and that he was on intimate terms with the members of the Ring. Gen. Bristow attempted to secure from the President some indorsement of his action in prosecuting the thieves, and Gen. Grant, who was then summing at Long Branch, wrote upon the back of a letter, the celebrated indorsement, "Let no guilty man escape, if it can be avoided." This apparent guarantee of the President inspired the Secretary with new zeal, and operations against the "Ring" were resumed with renewed vigor. The official backers of the thieves mustered in Washington and circulated most abominable falsehoods about Secretary Bristow. The President seemed willing to listen to these stories. He accused Bluford Wilson of endeavoring to involve him in the whisky frauds. This unjust accusation Mr. Wilson promptly denied. Gen. Grant would not listen to anything imputing guilt to Babcock.

#### THE PRIVATE SECRETARY INDICTED.

The proofs against the private secretary were so strong that he was indicted. About this time Gen. Grant charged that Mr. Henderson was openly hostile to him, and signified his intention to remove him.

Jim Casey, the President's brother-in-law, who was also believed to be connected with the Ring, was particularly violent against the government prosecuting officers. As soon as Babcock was indicted the idea of a military court of inquiry was brought to the front, and the President of the United States took the ground that the military court should supersede the civil tribunal at St. Louis. He asked that the papers in the case against Gen. Babcock should be handed over to a military court prior to their issue in the civil courts of the country. Gen. Henderson was dismissed from the prosecution in opposition to the written protest of the Solicitor of the Treasury and the verbal protest of the Secretary. This dismissal was a fatal blow to the prospect of a successful prosecution in Gen. Babcock's case.

Mr. Wilson was sent for by the President to give him an outline of the proof against Babcock in the possession of the government. A man named Everest announced his willingness to testify that he had seen Joyce mail two letters containing \$500 each, one addressed to Babcock.

As soon as the President had obtained this interesting information he imparted it to his private secretary, and Gen. Babcock called upon Mr. Wilson and asked to be informed of the evidence in possession of the department tending to implicate him. The President questioned the prosecuting officers in Babcock's interest. To secure the conviction of the thieves it became absolutely necessary to take the testimony of accomplices. Gen. Grant made a terrible fuss about this. About this time he compelled the Attorney-General to issue a circular letter to district attorneys, stating in substance that he was dissatisfied with the policy that had been adopted, and intimated that they must not go so far in their attempts to secure convictions.

#### GENERAL BABCOCK WAS DISMISSED.

About this time Gen. Babcock was dismissed. His removal was not due to his suspected complicity with the Whisky Ring. He had speculated in the famous

Black Friday operations and lost about \$40,000. He had deceived the President, but Grant expressed his belief of Babcock's innocence of the whisky frauds to the last.

Day by day he received the Secretary of the Treasury and Mr. Wilson with increased coldness. Mr. Wilson, on June 20, 1875, tendered his resignation as Solicitor of the Treasury, and a day or two later Gen. Bristow resigned.

The Rings were substantially broken, but the faithful officers who exposed the frauds were punished by virtual dismissal.



## THE BELKNAP IMPEACHMENT.

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The impeachment of General W. W. Belknap, Grant's Secretary of War, was one of the disasters that overtook the Republican party in the closing years of its legitimate exercise of power. Belknap was the victim of discovery. He was found out, but in his finding out there were dragged down a good many others against whom the evidence was not so direct as it was against him.

The case against Belknap, stated briefly, was this: In 1870, John S. Evans was post-trader at Fort Sill. In July, 1870, Congress passed an act giving the appointment of post-traders to the Secretary of War. Strange as it may appear, this provision was a rider on an army bill. General Garfield's objection to legislation on appropriation bills seems to be confined to that kind which relieves the people of burdensome and odious laws; he always voted for such riders as the post-trader one, which gives an opportunity for official plundering. This rider was in the interest of thieving, for it took from the post council of administration the power to control the sutler in his prices, and superseded the act of 1866, which provided that the soldiers should have their supplies at cost. It thus gave to a post-trader the monopoly of trade with the soldiers, and the power and right to be extortionate as he naturally would be. What avail the Secretary and his post-trader made of their rider will be seen further on. Evans made application for appointment under this law as early as June 23d, 1870. His application was indorsed by General Gierson, commandant of the post, and by all the officers stationed at the post. It was a remarkably strong recommendation of a man who had been a post-trader at Fort Sill, and who was known in that capacity by all who indorsed his application. Other recommendations were forwarded, and there was no other application except one made by C. P. Marsh, of New York, which was filed on the 16th of August. The evidence in the trial of Belknap pointed to the fact that this letter had been written after its alleged date of filing, and was not received August 16th. It is indorsed by Belknap, "Received August 16th;" but the records of the War Department show that Belknap was absent from Washington from the 12th of August to the middle of September.

There was nothing in support of Marsh's application. Evans called on the Secretary of War in October, and was then told by Belknap that he had promised the appointment to Marsh, who would be in the city that or the next evening, and he had better see him and they could probably make some satisfactory arrangement.

### THE ARGUMENT BETWEEN EVANS AND MARSH.

Marsh says he was called to Washington by a telegram from Belknap, or Mrs. Belknap; that he came here and called on the Secretary, and was informed by him that Evans was in the city and he had better see him. The Secretary also said that Evans had a large stock on hand at Fort Sill, and he (Marsh) ought to

make some arrangement to save him from loss. Belknap told him where Evans would be found (*see page 164 of the Record*). At this suggestion Marsh called on Evans, and they made the arrangement preliminary to the agreement of the 8th October, 1870. The sum of \$20,000 was first exacted by Marsh; finally \$15,000 was fixed, and the parties were to go to New York the next day and have the writings drawn.

On the way to New York, the next day, Evans stated to Marsh he had seen a statement in the paper that a portion of the troops stationed at Fort Sill were to be removed; that \$15,000 was more than he could pay, and the sum of \$12,000 was finally agreed upon, to be paid quarterly in advance. Why paid in advance? Clearly, from the terms of the agreement, to secure the certain payment of the bonus and to enable Evans to hold the place. It was not to be a division of profits, but the payment in advance of a fixed sum, whether Evans made profits or not. If he had made a dollar or a dime, he was bound to pay this large bonus or surrender his post (*see Record, Impeachment Trial, p. 112*).

It will be seen, therefore, that the rider on the army bill was availed of so far as the Secretary of War was concerned; he had sold the office the appointment to which was given him by the statute. The evidence that the appointment of Marsh was a mere cover by which the place might be sold to Evans for the benefit both of Belknap and Marsh is shown by the following correspondence:

MARSH'S LETTER TO BELKNAP.

No. 51 WEST THIRTY-FIFTH STREET, }  
New York City, October 8, 1870. }

Dear Sir: I have to ask that the appointment which you have given to me as post-trader at Fort Sill, Indian Territory, be made in the name of John S. Evans, as it will be more convenient for me to have him manage the business at present.

I am, my dear sir, your obedient servant,

C. P. MARSH.

P. S.—Please send the appointment to me, 51 West Thirty-fifth street, New York City.

Hon. W. W. BELKNAP, Secretary of War, Washington City.

Two days after this the respondent made the following appointment:

WAR DEPARTMENT, }  
Washington City, October 10th, 1870. }

Sir: Under the provisions of section 22, of the Act of July 15, 1870, you are hereby appointed a post-trader at Fort Sill, Indian Territory, and will be required to assume your duties as such within ninety days from the date of this appointment. You will please report to this department through the adjutant-general's office your acceptance or non-acceptance of this appointment.

WM. W. BELKNAP, Secretary of War.  
New York City.

Mr. JOHN S. EVANS, care of C. P. Marsh, Esq., 51 West Thirty-fifth street, New York City.

Evans, it was known, would lose greatly, if not suffer ruin, by failing to secure this post-tradership. The two argued from this that he would be willing to pay something for it.

Belknap carried out his agreement, at once ordering the removal from Fort Sill of all traders except Evans. This order was obeyed and Evans given the monopoly.

Almost immediately after taking the post, Evans was found guilty by the officers stationed there of introducing liquor into the Indian country. Belknap came forward in his defense, and without an opportunity to make an examination of the case, declared Evans guiltless.

BELKNAP AND MARSH HAVING CHARGED EVANS \$12,000

a year for the post-tradership, the latter was obliged to make it up from the soldiers to whom he sold goods. Complaint having been made by General Hazen, through the columns of the *New York Tribune*, that Evans was extortionate, Belknap wrote the following letter to General Grierson:

WAR DEPARTMENT, }  
Washington City, February 17th, 1872. }

The commanding officer at Fort Sill will report at once directly to the Adjutant-General of the Army, for the information of the Secretary of War, as to the business character and standing of J. S. Evans, post-trader at that post; whether his prices for goods are exorbitant and unreasonable or whether his goods are sold at a fair profit; whether the prices charged now and since his appoint-



ment to that position by the Secretary of War, under the Act of July 15th, 1870, are higher than those charged by him prior to that appointment, when he was trader under previous appointment; whether he has taken advantage of the fact that he is sole trader at that post to oppress purchasers by exorbitant prices; whether he charges higher prices to enlisted men than to officers, and whether he has complied with the requirements of the circular of the Adjutant-General's office, issued June 7th, 1871.

The commanding officer is expected to make as full and as prompt a report as is possible.

W. W. B.

To this General Grierson made the following reply:

HEADQUARTERS, FORT SILL, INDIAN TERRITORY, }  
February 28th, 1872. }

ADJUTANT-GENERAL UNITED STATES ARMY, WASHINGTON, D. C.

Sir: I have the honor to acknowledge the receipt of your letter dated February 17th, 1872, relative to the post-trader at this post.

#### EVANS NOT AT FORT SILL FOR MONTHS.

I understand J. S. Evans' character as a business man is good, and he has heretofore given general satisfaction; but Mr. Evans is absent, and has been for some months, and has associated with him J. J. Fisher, now also absent, who has had control of the establishment and who claims to have the greater pecuniary interest in the business (the business being conducted, however, under the name of J. S. Evans). Repeated complaints have been made to me of the exorbitant prices at which goods were sold by them, and when I have represented the matter to the firm they replied that they were obliged to pay \$12,000 yearly (to a Mr. Marsh of New York City, who they represent, was first appointed post-trader by the Secretary of War) for their permit to trade, and necessarily had to charge high prices for their goods on that account. I have repeatedly urged them to represent this matter in writing to me, in order that I might lay the matter before the proper authority to relieve the command of this burden, upon whom it evidently falls; but they declined to do so, stating that they feared their permit to trade would be taken from them.

As the prices could not be regulated by a council of administration, the trader not being a sutler, it has been contemplated by some of the officers of the garrison to represent this matter, without reference to J. S. Evans, through the proper military channels, but as it was claimed that the authority for the tradership emanated from the Secretary of War, it was feared that that course might be construed as taking exception to the action of superior authority.

The prices are considerably higher since his appointment by the Secretary of War than previously, and he has undoubtedly taken advantage of his position as sole trader in charging these exorbitant prices, giving the reasons above quoted, stating that he could not, under the circumstances, sell goods at lower prices.

It has also been reported to me that he charges enlisted men greater prices for the same articles than he does officers, and, at all events, it is very evident that the officers and men of this garrison have to pay most of the \$12,000 yearly, referred to above, they being the consumers of the largest portion of the stores.

#### UNITED STATES SOLDIERS ROBBED FOR TRADERS' BENEFIT.

I feel that a great wrong has been done to this command in being obliged to pay this enormous amount of money under any circumstances: the largest portion of which, at least, has been taken from the officers and enlisted men of this post, nearly all the money of the latter mentioned going to the trader. The responsible party of this great injustice should be held responsible and be obliged to refund the money.

If J. S. Evans has *not* paid this exorbitant price for permission to trade, as stated by him, his goods should be seized and sold for the benefit of the post fund.

In order to insure a healthy competition, to reduce the price of goods, and to relieve the officers and soldiers of this garrison from this imposition, I recommend that at least three (3) traders be appointed, and that those appointments be made upon the recommendation of the officers of the post; that each trader be *known* to be interested only in his own house, and that they be obliged to keep such articles as are required for the use of officers and enlisted men of the army and to sell them at moderate prices.

The trader complies with circular of A. G. O., issued June 7, 1871, as far as I am aware.

The buildings (store, etc.), however, are not convenient to the present garrison, having been built when the command was in camp.

Very respectfully, your obedient servant,

B. H. GRIERSON, Colonel Tenth Cavalry, Commanding.

Received in the office of the Adjutant-General, March 9, 1872.

[Indorsement.]

WAR DEPARTMENT, A. G. O., March 11, 1872.

Respectfully forwarded to the Secretary of War, with application of C. P. Marsh for tradership at Fort Sill.

E. D. TOWNSEND, Adjutant-General.

Belknap took no notice of this matter until Gen. McDowell called on him and told him it was "a thing that would be damaging to the service if it was not at once corrected."

Then, with the concurrence of Gen. McDowell, Belknap issued an order which was very cunningly devised. This order gave the council of administration the power to fix the prices at which a post-trader should sell his goods, but gave the trader the right to appeal to the War Department should he feel himself aggrieved.

The effect of this order was to reduce the amount of the annual payment to \$6,000, it having been discovered that too much robbery of the soldier was made necessary by the payment of \$12,000.

The truth about the payments by Marsh to Belknap is well stated by one of the Republican managers, E. G. Lapham, in his argument before the Senate. Evans paid Marsh \$12,000 a year. One-half of this Marsh paid to Belknap quarterly in advance: the first \$1,500 for Mrs. Belknap, the next two for his child, and after the decease of the child the like quarterly payments were made to him for his own use.

The following extraordinary letter was ignored both by Belknap and Grant, and its author summarily dismissed the army in court-martial proceedings:

#### CAPTAIN ROBINSON'S LETTER.

[Personal.]

SAINT LOUIS BARRACKS, Missouri, April 2d, 1876.

Sir: I have the honor to inform you that I am now preparing a set of charges against the firm of J. S. Evans & Co., post-trader at the post of Fort Sill, Idaho territory. I have been stationed at that post since its first location in 1868. Among the many charges I am preferring against this firm is one of malicious slander, in which both members of this firm have repeatedly stated, not only to myself but to Brevet Major-General Hazen, Brevet Major-General Grierson, and many of the officers of the Sixth infantry and Tenth cavalry, that they were paying you at one time \$15,000 per year, at another date \$12,000 per year, \$1,000 per month in advance, and only a short time ago Mr. J. J. Fisher stated in my quarters at this post that he was still paying you the same amount.

He also informed Gen. Grierson at the same date at this post of what he termed "these facts." I was, while at the post of Fort Sill, Idaho territory, on the post council of administration many times, as its "recorder." The repeated statements of both J. S. Evans and J. J. Fisher to the fact that they could not sell their goods any cheaper to the men and officers of the United States army because they were obliged to pay to the Secretary of War \$15,000 per year, monthly in advance. I took down carefully, with day and date, and the names of the officers present who heard these statements made. They were made before me officially as the recorder of the post council of administration.

I have thought that you, sir, should know these facts before I brought them to your official notice by sending the charges to you through all of the official channels, and to ask your advice as to the best and most expeditious manner of bringing these men to justice. Every man and officer of these regiments have been most outrageously swindled by this firm, as I have abundant testimony to prove. If I leave the army by sentence of the general court martial that has just tried me, it is by getting into unavoidable debt to these men, who, after getting all the money I had, now seek to ruin me, knowing that I alone am in possession of all the facts in the case against them. I honestly believe that these slanders on your name and action are false, and shall bring this firm to speedy justice whether I am in or out of the army, and ask of you, sir, your advice as to my procedure before action.

Should I remain in the army I shall, if you desire, transmit all of the documents entire to you for your information, and such action as you may see fit to take. I will either act as prosecutor or witness, as you may elect. Many of my notes are at my home in Baltimore, some of them here; but I have enough to draw charges on here, which I am now doing. Several newspaper men have made me very alluring offers for these papers, but I prefer to take the course I am now doing, so as to get officially all the facts on record before a court of justice against these men.

I am, General, your obedient servant,

GEORGE T. ROBINSON, Captain Tenth Cavalry.

HON. W. W. BELKNAP, Secretary of War.

On his trial Belknap's counsel, Judge Black, of Pennsylvania, defended him on the ground that he was no more guilty than his Republican associates in office. The following extract from Black's argument is instructive though humiliating:

#### ARGUMENT OF HON. JEREMIAH S. BLACK IN BEHALF OF BELKNAP.

I do not myself believe that presents are proper when taken by a public officer from a person who may by any possibility in the future have an interest in the officer's performance of his duties. I think so because, in the first place, "a gift blindeth the eye and perverteth the judgment of the righteous;" and also because, in the next place, these gifts may be used to cover essential bribery. I do not believe that the institutions of this country are perfectly safe in the hands of men who habitually receive presents from their friends and constituents, or from anybody. But I say now that there is no law that makes it a crime or misdemeanor; and that is not all. There is no code of morals known to the public men of this age, or to the men who now hold office, which condemns it. If our fathers could have foreseen the fatal degeneracy of their sons, perhaps they might have made some provision to prevent it; but they inserted nothing to prohibit it either in their Constitution or in their statutes, and you cannot in your judicial capacity supply the *casus omissus*.

#### PRESENTS AS A BRIBE.

"I give you an office and you give me another office," or, "I give you office and you give me money." What of that? If the exchange was preceded by a contract which made one the consideration of the other, that is bribery and corruption, but if there was no contract of that kind, the case is otherwise; and so it has been held in the case of the greatest and wisest and best men we have ever had in this country.



There was a time in 1825 when Mr. Clay held in his hand the presidency of the United States, and could give it to whom he pleased. He handed it over to John Quincy Adams, against whom there was a large majority of the states and the people. He did it in opposition to instructions almost unanimous from his constituents and in the face of his own recorded opinion that Mr. Adams was not a proper person to be chief magistrate of the country. The first thing that Mr. Adams did after he went into office was to appoint Mr. Clay Secretary of State. Did these two men bribe one another! They were charged with making merchandise of the highest offices under the government. The defense which both of them made against the charge of bribery was precisely the same that we make here, namely, that no proof could be produced to show the previous existence of a corrupt contract or understanding which could have influenced their conduct, and the general public acquitted them on that ground alone.

Remember, I do not hold up this transaction as an example of public virtue. I admire much more the high-toned behavior of Mr. Bayard twenty-five years earlier. He did not vote for Mr. Jefferson, but he had it in his power to protract the election in the House of Representatives so that Mr. Jefferson and Col. Burr would both of them have been defeated. For good and sufficient public reasons he determined that he would not use that power, but would retire from the contest and allow Mr. Jefferson's friends to elect him. After a few days Mr. Adams, the then incumbent of the presidential chair, offered him the mission to France. He said: "No; I cannot get to my post of duty until Mr. Jefferson shall be inaugurated, and then he will have the power to recall me. I would not hold any office under him, as I would virtually be holding this office, lest it might be inferred that I had received a reward for my action in the presidential election."

The most distinguished man, perhaps, that this country ever produced—certainly the greatest orator—one who was gifted with the most exquisitely organized intellect that ever was bestowed upon any of the children of men—was appointed Secretary of State by General Taylor. He said that he could not live upon the salary in a way that would accord with his taste and habits, and he invited his friends to make presents to him, and they did contribute among them \$100,000, which they invested and gave him the interest of it for the remainder of his life. Was that bribery? It was given by merchants who were pleased with his advocacy of the bank, by manufacturers whose interest he had promoted by supporting a protective tariff, perhaps also by lovers of the Constitution, who admired him for the noble defense he had made of its principles. But there was no evidence and no reason to believe, and nobody ever did believe, that it was given as a consideration for previous services or in pursuance of a contract for future service. Therefore, and therefore alone, he was held to be innocent.

The member from Massachusetts (Mr. Hoar) said, speaking of the Union Pacific Railroad, that every foot of that road had been founded in corruption and built with the wages of iniquity. That is true; and it is equally well known that the managers of that corrupt concern gave large amounts of their stock and bonds to the wife of a Senator who was afterwards elected Vice-President. The wife received it with the full consent of the husband. Though he had voted for the charter of the corporation, and afterwards voted to extend its privileges, and always vindicated it by his speeches on this floor, there was no proof that the speeches and votes were the consideration given for the bonds and the stock. The absence of that proof left him in the full possession of the character which he had earned by his previous life. His popularity moulted no feather; he lived respected and honored and died in the odor of sanctity.

The members of the House of Representatives who received the same stocks and bonds from the agents of the same company considered themselves as fully acquitted when the committee failed to find that there had been any corrupt contract, and such was the view of the House when for that reason it refused to pass a vote of censure.

If Mr. Lincoln had been impeached, and evidence had been introduced against him like the trash you have here to show that his wife, with or without his knowledge, took a present from some contractor or some officer, who would have listened to it in patience? Mr. Lincoln could not have come into this court with a higher character than General Belknap. Judge Davis would have sworn for him that he was all his lifetime scrupulously honest. The governor of his state and any number of ex-governors, and the Senators in Congress, would have testified to the same fact; but he could not have a character one whit better than that which is made out by General Belknap, and by the force of that character the accusation would have been swept away like chaff upon the summer thrashing-floor. Nobody would have thought of a conviction.

## THE VENEZUELA SCANDAL.

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The Venezuela scandal arose out of the treaty of April 25, 1866, which provided a mixed commission for adjudicating the claims of American citizens against the Republic of Venezuela. Under this treaty each government was to appoint one commissioner, and those two were to agree upon an umpire. If they were unable to agree, the selection of the third person was to be left to the representatives of Switzerland or Russia at Washington. The decision of this mixed commission was to be final and conclusive as to all claims pending at the date of installation.

The action of this government was marked by fraud from the outset. The first step taken was the appointment of David M. Talmage of New York as commissioner on the part of the United States. General Antonio Guzman-Blanco was appointed commissioner on the part of Venezuela. Mr. Talmage had not the first qualification for the office of commissioner; he knew nothing of law, especially of the delicate questions arising under international law, and, moreover, was in bad repute in the country to which he was going, having been a constructor of gas works in Caracas, and there involved in serious lawsuits arising from said business. In New York he was a coal broker.

General Blanco and Mr. Talmage met August 30, 1867. Of course, they disagreed as to who should be appointed umpire. Mr. Talmage nominated Mr. Rolandus, but General Blanco objected, and insisted on the minister-resident of either England, France, Spain or Brazil. For some reason Talmage would not be satisfied with any one but Rolandus, and finally grew so insolent that Blanco refused to hold any communication with him. Talmage then appealed to the President of Venezuela, General Talcon, but was told that the government could not recede. Finally Blanco retired and another commissioner, Señor Francisco Condé, was appointed. More delay and more correspondence resulted in leaving the matter to Baron Stoeckl, the Russian minister at Washington. Immediately Talmage came home, was seen about Washington, and Stoeckl was mysteriously influenced to appoint a man of whom no one had ever heard, who had no diplomatic or legal training, but who was simply a candle-wick manufacturer. He had been in Talmage's employment. There was to be found the secret motive for his appointment. His name was Juan N. Machado, Jr., but Baron Stoeckl was so ignorant of the man and his family that he made out the appointment to Juan N. Machado. Naturally, this would have gone to the father, but Talmage knew who was meant, and he gave it to the son, writing back to the State Department to have the mistake corrected.

The commission was now organized to work the intended fraud. Thomas N. Stilwell of Indiana was minister to Venezuela, and his brother-in-law, William P. Murray, was secretary of legation. Notwithstanding his representative character, Murray was attorney for a large number of the claimants before the



commission, and charged fifty per cent. on the allowances for his fee. He made this exorbitant charge for his influence, for he was really in partnership with Talmage, who, worse still, appeared as attorney for claimants before a tribunal of which he was a member, Machado, the umpire, being a willing tool. Murray openly boasted that he had a monopoly of the influence, and it is certain that all the claimants, in whose favor awards were found, were represented either by Mr. Murray or Mr. Talmage.

#### SUSPICIOUS CIRCUMSTANCES.

From Dr. James S. Mackie, a highly respectable gentleman, for a long time connected with the State Department of Washington, and the attorney for William H. Aspinwall and others, who had *bona fide* and just claims against Venezuela, the following valuable and suggestive evidence on the *modus operandi* of the American modern statesmen, Stilwell, Talmage, Murray & Co., was adduced before the Foreign Affairs Committee of the present Congress:

I went into a coal broker's office, and found Mr. Talmage to be a coal broker, dealing largely in anthracite coal. I introduced myself, and congratulated him upon his appointment, and said: "Mr. Talmage, I want you to do me a favor, to look at a memorial which I have here (referring to a parcel of bonds). Have the goodness to count the bonds over, and to see that they are all there, as stated in my memorial, and take charge of them in behalf of American citizens whom I represent as attorney." Mr. Talmage said, "I cannot have anything to do with that kind of business." I said, "I beg your pardon; I thought you were a commissioner on the part of the United States to represent our citizens." Said he, "I have nothing to do with taking charge of their claims." I said, "Mr. Talmage, if you will excuse my personality, I was twelve years in the Department of State, and I have known all about all the commissions to the Spanish governments in that time, and I have never yet heard a commissioner, either an American commissioner or a foreign commissioner, say that it was no part of his duty to take charge of the claims of his fellow-citizens. I take it that that is one of the objects of your appointment." He said, "I cannot recognize that at all; I will have nothing to do with it." I then said, "Mr. Talmage, I was a commissioner of the United States myself to Peru, and I felt it not only a duty but a privilege to give every attention that I could to American claims before I went abroad." He still persisted. I said, "It is very strange; here I am, an attorney for these recognized claims, and you, as commissioner, refuse to take charge of them. What am I to do?" Said he, "Mr. Mackie, I advise you to go to a gentleman who happens to have a great deal of that business in his hands, and I think he is the best man that you can give your claims to." I said, "Who is he?" He said, "Mr. William H. Whiton." He gave me his address—I think some place in John street or Maiden lane. I went down to that place, and went through rows of bales of hay piled up all through a warehouse, until I came to a gentleman sitting with his hat on at a desk writing. I said, "Is Mr. Whiton here?" This gentleman looked up and said, "Yes." I said, "Whiton, is that you?" I recognized in him an old friend and neighbor of mine when I was living on the heights of Georgetown. Said I, "I am looking for another man." He said, "Who?" I said, "A man of the same name, W. H. Whiton." He said, "What do you want with him?" I said, "I was referred to him by Mr. Talmage as having charge of Venezuelan claims; but you have nothing to do with Venezuelan claims?" "Yes," said he, "I have; I am the man." With a little strength of expression, I asked him what the deuce he knew about Venezuelan claims. He said that he had peculiar facilities for presenting them, and having favorable action upon them. I said, "Whiton, I have got a bundle of claims here, but I do not know why I should give them to you more than anybody else. What are you going to charge for taking care of them?" He said, "Fifty per cent." Said I, "That is modest. There is about \$180,000 of these claims, and as much accrued interest, and you want half for presenting the memorial and claims. All the claims are recognized; they are simply protested notes of Venezuela. I cannot give you fifty per cent., because I could not control that." Said he, "I cannot do it for less, for I have got to divide." I said, "You cannot divide any of my friends' money," and I went out. I then immediately wrote to the Department of State, and transmitted my papers, and I have the receipt from the Department of State, in which the department promised to send them to Venezuela, which reads as follows:

DEPARTMENT OF STATE, }  
Washington, June 20, 1868.

Sir: Your communication of the 19th inst., with its enclosure, has been received; also the package addressed to the joint commission now in session at Caracas.

Your wish in reference to the papers has been complied with, and they will go out in the mail of the 23d instant. I am, sir, your obedient servant,  
JAMES S. MACKIE, New York.

W. HUNTER, Secretary.

The package arrived there, but was never brought before the umpire. Talmage told Dr. Mackie with reference to it, that he went to the umpire, and that the umpire told him that he had allowed so many claims that if he was to allow this claim he could not look the Venezuela government in the face. Worse than all, Murray tried to make away with the bonds intrusted to him, and it was with some difficulty that Dr. Mackie secured their return.

#### MINISTER STILWELL'S PART IN THE CONSPIRACY.

What part the minister, Stilwell, played is shown by the fact that at his death,

although he had been so poor that he had been tempted to overdraw his account at the bank of which he was president, to the amount of \$150,000, there was found as collateral for the overdraft, Venezuela certificates to the amount of \$80,400. Congressman Milton L. Robinson swore that Stilwell had received these certificates for his influence, as American minister, in securing the allowance of claims, Murray paying him one-fifth of his ill-gotten fifty per cent. Stilwell paid, of this, \$3,000 or \$4,000 to Godlove S. Orth of Indiana, for lobbying through Congress legislation favorable to these fraudulent awards.

#### THE IDLER CLAIM

is an instance of gross fraud. Whiton, Talmage's agent, appeared for the claimants. In other words, Talmage appeared as attorney before himself in behalf of this fraudulent claim.

On this claim \$252,814 was awarded. It grew out of supplies furnished the old Colombian Confederacy in 1817. In his lifetime, Jacob Idler had brought suit for this in the Venezuelan courts, and there had been allowed by one decision \$70,520.11. This had afterwards been set aside, and Idler abandoned the suit, leaving the country. It slept for more than thirty years, and was revived before this commission. It was not in the list of claims which were pending in the American legation at the time the mixed commission was organized. It was trumped up afterwards. Talmage decided that the \$70,520.11 was still due, notwithstanding the adverse decision of the courts and the abandonment of the case by Idler. Talmage insisted on the decision of this case within five days of its hearing, but Condé protested, and resigned his position rather than consent to such an outrage. Talmage gave the claimants the principal and \$182,294 interest. On the adjournment of the commission Talmage returned to this country, and still acting as attorney for the Idler claim, committed perjury by swearing before Congress that he made all his statements "from considerations of public policy." Afterwards he testified that at this very time he was in receipt of a \$15,000 fee for acting for the Idler claim, in getting a recognition from Congress of the awards of the commission. This admission was the result of the investigation of the scandal by the Democratic House of the Forty-fourth Congress.

Every claim on which the two commissioners disagreed was allowed by the umpire, who acted throughout as Talmage's tool. The total awards of the commission were \$1,253,300.17, of which \$794,122 were awarded by the umpire. Of these the Committee on Foreign Affairs of the House of Representatives, Forty-fifth Congress, found as follows:

#### THE TOTAL AMOUNT STOLEN.

On a careful examination of each and every one of the cases decided by the umpire, your committee have failed to discover a single award which is justified by the law or the evidence. Not one of these awards, which were adjudged to be paid under the impoverished resources of that Republic (Venezuela), amounting to nearly \$800,000, is of such a character, when the merits of each case is fairly considered and understood, as entitled it to any consideration whatever. Now that the fraudulent character of these claims are exposed, our government cannot consistently, with national honor and that fair dealing which should always characterize the conduct of stronger governments towards weaker ones, insist further upon their payment.

What could be more unjust and unreasonable than the decisions of the umpire in the cases above referred to?

#### HOW A REPUBLICAN CONGRESS DID.

In marked contrast with the action of the Democratic House of Representatives in reference to these frauds is the action of the Republican Congress. The mixed commission adjourned August 5, 1868, and almost immediately the Venezuelan government began to enter protest against its action. The adjournment was a hasty one, being a month before the statutory limitation. Talmage and Murray were in a hurry to get away from the scene of their rascalities, and left Caracas



surreptitiously. Machado also fled from Venezuela with his share of the plunder. Then followed a long correspondence, in which the Venezuelan government charged the American minister and commissioner with bribery and corruption, and that the awards by the umpire were fraudulent and groundless. This was referred to the Committee on Foreign Affairs of the Forty-first Congress, of which Godlove S. Orth was a member. The subject was investigated, and, strangely enough, the following extraordinary resolution was the outcome:

That the adjudication of claims by said commission, pursuant to the terms of said convention, is hereby recognized as final and conclusive, and to be held as valid and subsisting against the Republic of Venezuela; and for the purpose of enforcing the collection and payments of the sums of money so awarded, the President is hereby authorized and directed to make demand upon the Republic of Venezuela for immediate payment; and in case of neglect or refusal to make such payment, that he employ such portion of the naval and military forces as may be necessary, in his judgment, to secure the faithful performance of the terms of said convention.

This resolution was not pressed to passage, and nothing more was done by the Forty-first Congress. The subject was again investigated by the Forty-second Congress, and on March 1st, 1872, the following report was made:

Your committee have examined this testimony, and cannot avoid the conclusion that it shows reasonable ground for complaint on the part of the government of Venezuela, and the claimants whose cases were adjudicated before the tribunal.

These complaints are of the following tenor: That powers of attorney were given in some of the cases to the American commissioner, and he received pecuniary compensation for executing the same; that an improper intimacy existed between the American commissioner, the umpire, and Mr. William P. Murray, who was the attorney of sundry claimants, and was also represented as being the secretary of legation, all the claims having to pass through his hands; and that the said William P. Murray received from the tribunal of arbitration certificates to the amount, in most cases, of one-half the sum allowed to the claimants. This last ground of complaint is common to the Venezuelan government, and to the claimants, who earnestly request the passage of a joint resolution to authorize the President to call in all the certificates issued by the commission, so as to defeat any payment to those whom the memorialist consider fraudulent holders.

The bill was referred to the Committee on Foreign Affairs, and there it slumbered. This is where Godlove S. Orth appears in the matter. Having been a member of the Forty-first Congress, and on the Foreign Affairs Committee, he became a lobbyist for Talmage and Murray before the Forty-second Congress. His influence was sufficient to defeat the bill. He testified as follows before the investigating committee at the Forty-fourth Congress:

Q. State your residence and position? A. I reside in Indiana; I was a member of the Thirty-eighth, Thirty-ninth, Fortieth, Forty-first and Forty-third Congress. I have just returned from Europe.

Q. Are you still Minister Plenipotentiary to Austria? A. Yes; I have not yet sent in my resignation, but I expect to resign in a day or two.

Q. You were a member of Congress in the summer of 1873? A. Yes; I was elected in October, 1872, from the state of Indiana, at large, to the Congress which organized on the first Monday in December, 1873.

Q. Do you know anything about what is called the Venezuelan awards? A. Yes. During the Forty-first Congress, I was a member of the Committee on Foreign Affairs, when I first heard the trouble about the Venezuelan awards. That committee had an investigation of the matter, and took testimony, which I presume is among the archives of the committee, and it made an unanimous report sustaining the awards. I think the report was made to the House by Mr. Wilkinson. That was at the second session of the Forty-first Congress. I went out of Congress on the 4th of March, 1871. Subsequently to that time, and when I never expected to be in Congress again, I accepted an employment from Stilwell and Talmage to act as their attorney in procuring a payment of some money which had been forwarded here by the Venezuelan government, and which was in the State Department. That employment included my service down here in Washington to assist in procuring the passage of the joint resolution of the Forty-second Congress declaring the validity of the award. My recollection is that the House passed a joint resolution, which went to the Senate, and that the Senate amended it by striking out what was supposed to have been the force part of it, as it was called; and when it came back to the House, the House concurred in the Senate amendment. Mr. Packard, of Indiana, reported it from the Committee on Foreign Affairs.

Q. Was Mr. Packard a member from the same district which you represented? A. No, sir; he was a member from the La Porte district, and I lived in the La Fayette district. I was here in the latter part of January or the first of February of that year, 1873. I was here at the time that the House concurred in the Senate amendment.

Q. Were you favoring the passage of the bill reported by Mr. Packard, in which the President of the United States was authorized and directed to adopt such measures as he might deem expedient to enforce the claims of the citizens of the United States adjudicated by the mixed commission? A. My impression is that the House bill had passed before I came here, and that the Senate struck out what was called the force clause of it.

#### ORTH TAKES SEVEN OR EIGHT OF THE FRAUDULENT CERTIFICATES.

Q. While you were here you were acting in behalf of Talmage and Stilwell? A. Yes, sir.

Q. Who was Mr. Stilwell? A. He was formerly a member of Congress from Indiana, and was appointed minister to Venezuela.

Q. Was he minister to Venezuela pending the sitting of the mixed commission at Caracas? A. Yes, sir.

Q. Who was Mr. Talmage? A. He was the commissioner on behalf of the United States.

Q. Did you receive compensation from Stilwell as well as from Talmage? A. Yes; from both of them.

Q. Was any portion of the compensation that you received paid to you in these certificates? A. Yes; I THINK I PROBABLY GOT SEVEN OF THESE THOUSAND DOLLARS.

Q. Did those certificates come through Talmage or through Stilwell? A. They came through both of them.

Q. Which furnished the greater part? A. I think that Talmage furnished the greater part.

Q. At what time did you receive those certificates? A. I received probably some of them in 1871, some in 1872, some in 1873.

The foregoing from Mr. Orth's own lips establishes his close identification with this swindle. He earned his money well. Through his influence Secretary Fish paid an instalment of 7 per cent. on the fraudulent certificates, \$121,000 of which Talmage had possession, but which were claimed by Seth C. Driggs, who had notified the State Department that this amount of certificates belonged to him, and were fraudulently withheld from him, the lawful owner, by Talmage. Through his influence the House of Representatives of the 42d Congress passed the following bill:

#### HOW ORTH EARNED HIS MONEY.

Mr. Orth earned his money, for through his influence Mr. Fish, Secretary of State, paid an instalment of seven per cent. on the fraudulent certificates. He also secured the passage of the following bill:

SECTION 1. That the adjudication of claims by the convention with Venezuela of April 25, 1866, pursuant to the terms of said convention, is hereby recognized as final and conclusive, and to be held as valid and subsisting against the Republic of Venezuela; and that the President of the United States be, and he is hereby authorized and directed to adopt such measures as he may deem expedient to enforce the claims of citizens of the United States, adjudicated by the mixed commission organized under the treaty of the 25th of April, 1866, and made payable by the Republic of Venezuela to the government of the United States, in accordance with the provisions of said treaty.

SEC. 2. That he be authorized and directed, in like manner to collect such claims of the citizens of the United States as were acknowledged by Venezuela to be due prior to the sitting of the said mixed commission.

On motion of Mr. Sumner, however, the fore part of the bill was stricken out.

#### THE DEMOCRATIC WAY OF DEALING WITH FRAUD.

The following is the conclusion of the unanimous report of the Committee on Foreign Affairs of the Forty-fourth Congress.

Now that a careful inquiry has been made by your committee in reference to the conduct of our officials, and also to the fraudulent character of the claim awarded by the commission—which investigation, in the opinion of your committee, had demonstrated the truth and reasonableness of the allegations of Venezuela—a further and continued refusal on the part of our government to respond to the appeals of that government cannot be justified on principles of international honor and comity. If Venezuela were the equal of this government in area, population and resources, she would have long since ceased to address our government by appeals to our magnanimity and sense of justice, and would have terminated all diplomatic intercourse and assumed toward us the attitude which we now bear toward her. In order, therefore, to vindicate the proud position which our government has always assumed toward other nations of the world, and to preserve intact the peaceful means of national arbitration for the settlement of all differences arising between nations, we should at once proceed to do full justice in the premises. We can afford to respond to the appeals of Venezuela, in this case, and by so doing will honor ourselves and vindicate the old precept, that "righteousness exalteth a nation, but sin is a reproach to any people."

In view of the fact that this session of Congress will soon adjourn, and that definite and final legislation on this subject cannot be effected at this session, your committee recommend the passage of the following joint resolution suspending all further payments by the Secretary of State to holders of Venezuelan certificates, and withholding further demands upon Venezuela for future payments until the 4th day of March next, or until further legislation by Congress.

The following joint resolution was passed:

*Resolved by the Senate and House of Representatives of The United States of America, in Congress assembled,* That the President of the United States is hereby requested to withhold further demands upon the government of Venezuela on account of the awards of the mixed commission under the convention of April 25, 1866, until the 4th of March, 1877, and the Secretary of State is authorized and directed to suspend all further payments to holders of certificates awarded by said mixed commission until said time, unless Congress shall otherwise direct. The committee unanimously concur in recommending the passage of the foregoing joint resolution.

The result of this investigation, among other things, was the withdrawal of Godlove S. Orth as a candidate for governor of Indiana after he had been nominated by the Republican party of that state, and after the canvass had begun.



# THE SAN DOMINGO JOB:

## ITS INCEPTION, PROSECUTION AND FINAL FAILURE.

### I.

#### "GENERAL GRANT IS IN IT."

If Gen. Grant, Gen. Babcock and others high in office in Washington are so well satisfied with the real value of our prospects and feel safe in lending their names and influence to carry them out, I cannot for the life of me see why you should hesitate. It was our intention to have sent 1,200 shares of the stock of the San Domingo Copper Company to you, as soon as Knapp shall have signed the certificates, to be distributed among officials of influence in Washington. But from the tone of your letters I suppose we shall have to do our business through some other party.

These words, which seem like the idle boast of a confidence operator, are in reality the statement of a scandalous fact. They were written on the 21st of December, 1866, by Joseph W. Currier, then of New York, to a friend in Washington, who hesitated to embark in a scheme which looked to the raising of a million of dollars for the avowed purpose of mining copper in the island of San Domingo. Currier had been a quartermaster in the Union army. He was speculative by nature, and circumstances made him impecunious. He was enthusiastic and credulous, but perhaps not deliberately dishonest. At this time, however, he was in the clutches of two unscrupulous knaves who, years before, had gone from Massachusetts to the West Indies to teach the Dominicans tricks of which they never dreamt before. These were Joseph W. Fabens and William L. Cazneau. They were both natives of the Bay state. In 1863, Fabens, Cazneau and Currier established the Great American West India Company, with an office at 5 Pine street, New York. Their rooms were fitted up in sumptuous style, and by the free use of printers' ink they succeeded in disposing of their worthless stock to the amount of \$160,000. Then they closed their doors and disappeared. But they came again in 1866, scattering far and wide their prospectus of the Great San Domingo Copper Company. They were accompanied this time by Buenaventura Baez, the deposed president of the Dominican republic, who had been driven from the island and was ready for any sort of a job which promised him a good living without work. These conspirators explained that Cabral's revolution had destroyed the Great American West India Company, but that the present corporation rested on a secure basis. To all doubting inquirers they whispered, "Gen. Grant is in it!" On the strength of his name they raised money from investors. Fabens took \$30,000 and started for Africa to buy camels for the copper mines. He was accompanied by Baez. The 1,200 shares of stock were duly distributed among "officials of influence in Washington," and \$200,000 was raised by the sale of shares. Then the doors of the office were closed again, and the adventurers sought safety in flight. They returned to San Domingo, where Baez re-established himself in the presidency. There they remained till President Grant was inaugurated, and then they began once more their swindling operations in good earnest.

## II.

## GENERAL BABCOCK GOES TO SAN DOMINGO.

When Buenaventura Baez resumed control of affairs in the Dominican republic, he seems to have had a premonition that his stay would be short, and that it behooved him to fill his purse while the opportunity lasted. He made a concession to Edward H. Houtmont for the working of the coal mines of Samana, for which he was to receive a loan of £420,000 from Lawson & Co., of London. This was in May, 1869; but in July, 1868, the notorious Fabens had received a sort of general geological and mineralogical concession, under which he was to have one-fifth of all the public lands. Cazneau had received a concession for the National Bank of San Domingo, and also for the copper mines and the wharf frontage on the Bay of Samana. Having sold most of the franchises at his disposal and given away the rest, the idea quietly dawned on the mind of Buenaventura Baez that he would sell out all his right, title and interest—the right of a traitor, the title of a usurper, and the interest of a plunderer—in the island of San Domingo to the government of the United States, for a good round sum in cash, while he sought a home in some distant clime. Through Cazneau and Fabens he communicated his plans to the Washington authorities, where they were received with great favor.

On the 13th of July, 1869, President Grant addressed a letter to his "great and good friend," as he called Baez, in which he said: "Deeming it desirable to satisfy my curiosity in respect to your interesting country by obtaining information from a source upon which I rely, I have for this purpose appointed Brevet Brig. Gen. Orville E. Babcock, of the army of the United States, to proceed to the Dominican republic in the character of a special agent. Having been one of my aides-de-camp while I commanded the armies of the United States, and having since been intrusted by me with confidential business of importance, I have entire confidence in his integrity and intelligence, and I commend him to your Excellency accordingly."

Armed with this document, Babcock set out for San Domingo. He also took with him an order from Robeson, Secretary of the Navy, placing at his disposal the United States ship-of-war *Seminole*, and directing her commander to seize the *Telegraph*, a little vessel belonging to Cabral, which was to be brought as a prize into the port of Baltimore. She was to be seized as a pirate, but an examination before the British consul showed that the charge of piracy could not be sustained. But even after this decision Robeson directed Commander Queen to sail in the *Tuscarora* to San Domingo and place himself under Babcock's orders, that he might help to capture the *Telegraph*. All this gratuitous service was rendered to Baez against his enemy Cabral, that the annexation scheme might not fall through.

Babcock remained in San Domingo till August, when he returned to Washington, received further instructions from Grant, and departed almost immediately to complete his arrangements with Baez.

## III.

## THE IMPRISONMENT OF AN OBSTRUCTING AMERICAN CITIZEN.

Davis Hatch was a citizen of Connecticut who went to San Domingo in 1862 to act as agent of a New York company organized to work a salt mine in that island. The required concessions were made by the Spanish government in 1864, but in 1865 Spain abandoned the country, and Baez, who set up as president, an-



nulled the grants. But when Cabral overthrew and succeeded Baez in 1866, he reconfirmed the concessions of Spain to the salt company. In 1868 Baez defeated Cabral, through an insurrection, and returned to power. In May, 1869, the city of Barahona, where Hatch resided, was deserted by Baez, and taken possession of by Cabral's forces. It was retaken in the following August by Baez, who thereupon caused the arrest of Hatch on the ground that he had sided with Cabral. He was condemned to death by a court-martial, and was then pardoned by Baez on condition that he should immediately leave the island. He was quite willing to go, but was not permitted to do so. He was kept a close prisoner from the 29th of August, 1869, till the 15th of March, 1870, in flagrant violation of his rights as an American citizen. During the period of his unlawful imprisonment Babcock visited the island. J. Somers Smith was at that time the government's commercial agent at San Domingo, and in the following despatch to the State Department he tells what happened:

On the 31st of August the United States ship *Tuscarora* arrived from Key West, when Commander Queen called on me. I handed him a memorandum regarding Mr. Hatch, and expressed my desire that he would proceed to Barahona to see Mr. Hatch and learn the particulars of his case. The commander informed me that, notwithstanding his willingness to comply with my request, he was powerless to act in the matter, as his instructions placed the ship at the disposal of General Babcock. On my communicating with General Babcock, he did not seem disposed to co-operate, appearing not to regard the case in as serious a light as I do, from my knowledge of the Dominican character. It is unfortunate for Mr. Hatch that since General Babcock has been here he has been in close companionship with Mr. Cazneau, who is an enemy of Mr. Hatch, as he (Mr. Hatch) furnished the information which caused the rejection of Cazneau by the Senate, some three years ago, when his name was sent in for a position in this country.

When the Senate of the United States sent for a copy of the correspondence between Mr. Smith and the State Department, the alleged communications were transmitted, but the foregoing paragraph, and all others relating to Babcock, were carefully stricken out. This garbling of official papers for the protection of an executive favorite aroused the indignation of Mr. Sumner and other Senators.

Mr. Hatch, an American citizen, was kept in a dungeon for six months, under no process of law, because Baez, Fabens, Cazneau, Babcock and Ingalls, who were in league with the President of the United States, were afraid of him. He knew more about the annexation scheme than they could safely allow to be told. He was a ready writer, and had corresponded occasionally for the *New York Times*. If he should unfold the facts—the double sale of valuable franchises, the jobbery and fraud which characterized the whole proceeding—the negotiations would come to a sudden end. Knowing this, the conspirators, safe in the protection of Grant's favor, locked him up. For his boldness in calling the attention of the State Department to this inexcusable outrage, J. Somers Smith was removed, and Raymond H. Perry was sent to San Domingo in his place as commercial agent.

#### IV.

##### BABCOCK, AIDE-DE-CAMP TO U. S. GRANT, MAKES A TREATY.

On the fourth day of September, 1869, the bases of a treaty between the United States and the Dominican Republic were reduced to writing as agreed upon—so runs the official document—"by General Orville E. Babcock, Aide-de-camp to his Excellency, General Ulysses S. Grant, President of the United States of America, and his special agent to the Dominican Republic, and Mr. Manuel Maria Gautier," Secretary of State, etc., of the Dominican Republic.

The first article of this protocol will bear careful reading:

1. His Excellency, General Grant, President of the United States, promises, privately, to use all his influence, in order that the idea of annexing the Dominican Republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment; and he offers to make no communication to that body on the subject until he shall be

certain that it will be approved by a majority. The acceptance of annexation will oblige the United States to pay the Dominican Republic the sum of \$1,500,000 in coin, in order that the republic may, as a state, pay its public debt, which is estimated at the sum of \$1,500,000 in coin; and the Dominican Republic, on its part, agrees to conform its constitution to those of other states of the Union. In the event that the Dominican Republic's debt should exceed \$1,500,000 in coin, the excess shall be charged to the Dominican State.

In commenting on this in the Senate, Charles Sumner spoke as follows :

Here you see how this young officer, undertaking to represent the United States of America, entitles himself Aide-de-camp to his Excellency, General Ulysses S. Grant, President of the United States of America, and his special agent to the Dominican Republic. Do you know any such officer in our government as Aide-de-camp to his Excellency, the President of the United States? Does his name appear in the constitution, in any statute, in the history of this republic anywhere. If it does, your information, sir, is much beyond mine. I have never before met any such instance. I believe this young officer stands alone in using this lofty designation. I believe still further that he stands alone in the history of free governments. I doubt whether you can find a diplomatic paper anywhere in which any person undertaking to represent his government has entitled himself aide-de-camp to the chief of the state. The two duties are incompatible, according to all the experience of history. No aide-de-camp would be commissioned as a commissioner, and the assumption of this exalted and exceptional character by this young officer shows at least his inexperience in diplomacy. However, he assumed it, and it doubtless produced a great effect with Baez, Cazneau and Fabens, the three confederates.

By the other articles of this protocol (2) the price of Samana was fixed at \$2,000,000. (3) Grant agreed to pay \$150,000 down. (4) The United States Government agreed to protect Baez during the negotiations. (5) Absolute secrecy was enjoined. (6) Baez agreed to solicit his Senate to sell Samana.

With this basis for a treaty Babcock returned to Washington and left poor Hatch in prison.

## V.

### RAYMOND H. PERRY INTERFERES AND GETS INTO TROUBLE.

Raymond H. Perry, the newly-appointed commercial agent, sailed for San Domingo on the 3d of November, 1869. He found on the steamer "Colonel" Fabens, to whom Babcock had given him a letter of introduction. Perry was ignorant of diplomacy, and was a stranger in San Domingo. He was a native of Rhode Island, and a relative of the famous commodore. He had served in the war, winning distinction by his courage, but involving himself in several serious quarrels. After the war he went to Mexico to fight against Maximilian. When the empire was overthrown he returned to the United States and was employed on special duty by Gen. Sheridan, in Louisiana. He then drifted into Texas, and served for a time as chief of police at Galveston. In October, 1869, he applied for the office of United States Marshal for the Western District of Texas. The conspirators in Washington, judging from his antecedents that he must be an adventurer, thought they could use him, and therefore resolved to send him to San Domingo. They discovered in due time that they had caught a Tartar.

On the outward voyage Fabens filled Perry with false accounts of the state of affairs. He warned him against Hatch, who, he said, was a dangerous and wicked man. He told him that Cazneau was a person of great wealth and influence in San Domingo, and that he was in regular correspondence with the White House. He urged him to seek Cazneau's friendship, as the surest way of making a fortune for himself.

### BABCOCK TRIES TO COACH PERRY.

Mr. Perry relieved Mr. Smith on the 16th of November, and learned from him that Cazneau was a swindler, but that he was running the Dominican government; that he had been a bitter Confederate during the war, but was then a pronounced friend of Grant. Perry also learned the facts in the case of Davis Hatch, and immediately resolved to seek his release. Two days after his arrival, Perry was told by Fabens that a man-of-war would arrive that morning with Gen. Babcock on board. Babcock came, accompanied by Gen. Rufus Ingalls,



bearing with him a commission authorizing Perry to sign on behalf of the United States the treaty which he brought with him, and which was substantially the same as the protocol. They went ashore and visited Buenaventura Baez. Cazneau and Fabens were present at this and all subsequent interviews. When the treaty was read, Cazneau coolly proposed to draw up two separate papers, one to place before the people of San Domingo, to influence the election, and the other before the United States government, to keep them quiet. Against this crime Perry sturdily protested, though Baez argued that if the elections went against him he should lose his life. Finally this part of the scheme was abandoned, but Babcock, before leaving the island, told Perry that he must trust implicitly to Cazneau and Fabens; that they represented large interests, and that he had large interests with them. Cazneau also told him (this is all sworn testimony) that Babcock and Ingalls had interests in real estate with him, and that he (Fabens) and their friends in New York had originated the idea of annexation.

PERRY TOLD BABCOCK IT WAS A JOB.

Perry bluntly told Babcock that this whole business looked to him like foul play; that Cazneau appeared to him dishonest, and that Hatch ought to be released. Babcock told him not to release Hatch; told him he was a dangerous man, and that his imprisonment was necessary to the treaty's success.

After the departure of Babcock, Perry tried, in good faith, to carry out the instructions he had received from Washington. He placed no obstacle in the way of annexation, but sought to promote the project. He saw that the election by which the Dominicans were made to approve the plot was carried by force and fraud. But he permitted Cazneau and Fabens to dictate his dispatches on that subject. Presently, however, the indications of foul play multiplied around him, and he resolved to reveal the truth to the government. He wrote at first private letters to the Secretary of State and to Babcock. The secretary did not reply. But Babcock and Ingalls hastened to write, telling him to leave all personal matter out of his official communications, and to speak encouragingly of annexation. When Perry found that Cazneau was about to secure, through the Dominican Senate, a large tract of public land in violation of the treaty, he addressed a communication to that body warning it not to make the grant. By the rules of diplomacy he should have sent the communication through our government, but he was not versed in court etiquette, and his indignation would not brook delay. Cazneau was inclined to call him to sharp account for this interference, and, as usual, was backed by the Washington authorities. He gave Perry to understand that he knew more about the policy of the United States than its accredited representative.

When the success of the treaty was supposed to be assured, and not before, Davis Hatch was released. On the 13th of May, 1870, he addressed from the Island of St. Thomas a memorial to Congress claiming damages in the sum of \$50,000 and asking the intervention of our government to help him in obtaining it. A committee, consisting of James W. Nye, J. M. Howard, George H. Williams, Willard Warner, Carl Schurz, O. S. Ferry, and George Vickers, was appointed to inquire into the matter. Raymond H. Perry appeared before this committee on the 9th of June, and testified to some of the facts herein set forth. His evidence astonished the country and brought the San Domingo scheme into disrepute. Grant, Babcock, Baez, and the others found it necessary to postpone their operations.

## VI.

## THE ATTEMPT TO KIDNAP MAJOR PERRY.

In December, 1870, President Grant, in his annual message, asked the appointment of a commission to visit San Domingo. The commission was accordingly appointed, and after spending nearly \$100,000 of the public money, its members returned and made a glowing report to Congress, earnestly urging annexation. But in spite of the glowing picture which these enthusiasts painted, Perry's testimony was fresh in the public mind. Thereupon the conspirators resolved to destroy this objectionable witness.

In February, 1871, W. B. Moore, who subsequently figured in the whisky frauds, came up from Texas, where he had been serving as a carpet-bag assessor of internal revenue, with a requisition from E. J. Davis, the carpet-bag governor, for the arrest of Raymond H. Perry, *for murder*. This atrocious charge was based on the affidavit of one ignorant and irresponsible man, who swore that about the middle of December, 1865, he heard that a murder had been committed at a certain place, and on approaching the river bank he saw signs which satisfied him that the body of the murdered man had been thrown in. But he did not see the body, and he saw no one who had seen it. Nor was any one missing. But a band of marauders had been through that region a few days previous, and they were said to be under the command of one Raymond H. Perry. On such testimony as that Grant and Babcock proposed to try an innocent man for murder.

## BABCOCK FAVORS KIDNAPPING.

Babcock gave Moore a letter of introduction to Col. Whitley, chief of the secret service, and Moore addressed Whitley in these written words:

I have a requisition from the Governor of Texas for the arrest of Raymond H. Perry, the ex-commercial agent for San Domingo, who is charged with murder, highway robbery, burglary, and horse stealing. As the integrity of the President is questioned, through the misrepresentations of this fugitive from justice, it is highly important that his real character should be exposed at once, and I depend upon you to learn his whereabouts and bring him to justice.

Whitley soon discovered that Perry was in Rhode Island, and that to secure his arrest certain papers would have to accompany the requisition. Moore then wrote:

The requisition upon the Governor of Rhode Island has no papers attached, but those accompanying the requisition on the Chief Justice of this district can be carefully detached and attached to the former, if it is necessary to make the arrest in Rhode Island. \* \* \* It is important that the arrest be made before the San Domingo matter comes up again in Congress, that the integrity of the President may be fully vindicated.

Nettleship, who figured in the safe burglary conspiracy, was sent on to Rhode Island, and found Perry at his home, near Bristol. He reported to his chief: "Perry is nobody's fool. There is no danger of his going away; but he is not the man to be taken by force without the papers are all right."

The papers were all wrong, as the conspirators well knew, and Nettleship's discovery of Perry's courageous character frustrated the plot for kidnapping him. While he remained at large, and was the custodian of so many dangerous secrets, it was not safe to prosecute the annexation scheme. It was abandoned for the time being, with a view of renewing it at no distant day. But Buenaventura Baez was shortly deposed, and the foul partnership between him and the Washington authorities was thus permanently terminated.

So ended Grant's attempt to annex San Domingo to the United States.



# THE HISTORY OF A CARPET-BAG GOVERNMENT.

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## HOW SOUTH CAROLINA WAS SHAMELESSLY ROBBED.

The elections of 1876 swept from power the infamous Republican carpet-bag government which had for years dominated several of the Southern states. On the 4th of March, 1879, the representatives of those governments, with one exception, departed from the Senate forever. That solitary exception, Wm. Pitt Kellogg of Louisiana, is convicted of having obtained his election by fraud, perjury and bribery, and he will probably be expelled from the Senate at the next session of Congress. Although the cormorants have been driven from the states which they plundered, the memory of their deeds remains fresh in the minds of the people. Their acts will not be forgotten so long as the taxpayers continue to groan under the burden of indebtedness created to line their pockets.

These carpet-bag governments are responsible not only for the millions of dollars of debt imposed upon an impoverished people, but for the utter stagnation of the business interests of the states which they controlled and the prostration of all the rich material resources of an immense section of the Union. Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Arkansas and Virginia all suffered from the invasion of these pests, but South Carolina alone has been able to make a record which shows in its clearest light the manner in which these adventurers administered the affairs of a great commonwealth.

## THE SOUTH CAROLINA INVESTIGATION.

At the regular session of the general assembly of South Carolina in 1877-78 an investigation of the frauds perpetrated in that state under Senator J. J. Patterson's regime was ordered. The report of this committee fills a volume of 937 pages. It became apparent to the thieves who had plundered the state as soon as Hampton was elected governor that an investigation of their misdeeds would be made. An exposure was certain to follow the investigation, which would make every member of the Ring amenable to the laws of the state. Prison doors yawned before them, and their only security lay in immediate flight. The exodus of carpet-baggers from South Carolina in 1877 will long be memorable. John Patterson remained in close cover at Washington pleading his privilege as United States Senator. Chamberlain, Cardozo, Scott, Parker, Niles, in fact, all the old administrators of the government and robbers of the treasury, fled from the state. Some were arrested. Others were persuaded to return and give their testimony under promises of immunity.

It was not difficult to obtain a true history of the frauds committed by the South Carolina Ring. State officers, members of the legislature and sub-

ordinate officials came before the committee and unblushingly avowed their participation in the frauds. There was no concealment of the crimes at the time they were committed. The entire judiciary of the state was controlled by the Ring. The judges were as corrupt as the legislators, and as long as the Republicans were in power, the thieves scoffed at the idea of punishment. A majority of the members of the legislature were ignorant negroes. The white men at the head of the machine manipulated the negroes as they pleased, and dictated the laws of the state.

#### HOW PATTERSON WAS MADE SENATOR.

In 1872 there were three candidates in South Carolina for election to the Senate. They were R. B. Elliott, the especial champion of the negroes, ex-Gov. R. K. Scott, and John J. Patterson, president of the notorious Blue Ridge Railroad Company and a prominent member of the Greenville Railroad Syndicate. In the general state election of 1872 there had been a spirited campaign, from which the victorious candidates came out with exhausted means. For the four years preceding there had been a carnival of corruption in the state. Many of the new legislators came fresh from the cornfields and log cabins of the rural districts, clad in the homely garb of labor, but, unfortunately, yearning to exchange the raiment of honest poverty for "fine clothes," such as decked the persons of their predecessors returning from previous sessions of the general assembly.

Patterson established headquarters over a bar-room in Columbia, and his strikers announced that he proposed to be elected to the Senate, and was willing to pay for it. The evidence taken by the committee showed that Patterson bought the votes of scores of assemblymen, paying from \$200 to \$1,500 apiece, according to the estimated value of the men. Patterson's election cost him between \$50,000 and \$60,000 more, as he expressed it, "than the d—d thing was worth." The committee, in its report, says:

In conclusion, the undersigned respectfully report that the election of Hon. J. J. Patterson to the Senate of the United States, on December 10, 1872, was procured by corruption and bribery.

They would further remark that the legislature of 1872-3 was largely composed of new members, and that they were most solemnly pledged to a correction of past abuses and to the inauguration of real reforms. Some of the members, who may have been unfit for the discharge of the important duties of legislation by reason of ignorance, yet came to Columbia with a desire, in an humble way, to do what was right. John J. Patterson enjoys the unenviable distinction of having been the first to place before them the poisoned chalice of temptation, and to corrupt them with its enticing draughts. Need we wonder that they were intoxicated and fell? Then followed a wild saturnalia of public plunder, the record of which furnishes nothing which is at all pleasant to investigate or to perpetuate in history. But it is due to the cause of good government that the story of the crimes and disasters of the past few years should be written in the journals of our courts of justice in order that it may be a warning to all servants of the people of all political parties of the present and of the future not to prove recreant to high or humble trusts of the republic. Let it also expose the dangers menacing a government resting on any other foundations than those of education and good morals.

#### PATTERSON'S SUBSEQUENT HISTORY AS TOLD BY HIMSELF.

The following letters were written by John J. Patterson to Gen. H. C. Worthington, collector of the Port of Charleston, S. C., during the last four years of Grant's administration. They partially tell the story of Patterson's infamous career. The letters begin just after Patterson's election to the United States Senate, when he was in fear of an indictment for bribery, and shed light on various local frauds, and give an insight as to the employment of troops in 1876.

#### WATCH THE GRAND JURY.

UNITED STATES SENATE CHAMBER, }  
Washington, January 3, 1873. }

*My Dear General:* I am terrible hard up and run down to less than a hundred dollars. I have drawn a draft on you at 30 days for \$500, on which Sawyer got me the money. Please accept it, and by that time we can provide for it. Perhaps we can get Gurney to help us a little then, as the taxes will be partly paid in then, and money will be in the hands of our friends. I will return to Columbia about the 20th, and we must then make a bold push to pass some bill. Get Bowen [an



ex-Congressmen] to talk to Jerry, and if he will take hold I want him to introduce our bill. I see Neagle tried to kill Moses. How lucky for the state he did not succeed.

I find a good feeling here toward me, as the result of the investigation we had at Columbia. I feel easier than I ever did, and don't think we have anything to fear from an investigation, even if the Senate should order one, which is very improbable. I hope you will watch the jury matter at Columbia. Dennis is our friend, and will act in our behalf. Get him to let you know when the names will be made out, and, when drawn, you had better, if possible, be there. As soon as a vote is taken on Williams' case and the Civil Rights Bill, I will be ready to go home. I would also like to be here to vote on Shepherd's appropriation for the District. Let me hear what Bowen can do with Jerry, and if you have seen Moses, and how matters are generally. I am happy, only infernally poor, but getting used to it.

I saw Jane. She swears at you, and then longs to see you. She says she is after some rich fellow. I am not in that list, and still feel weak on the charity fellow. Tom Scott will try to pass his bill. If I can only bridge over the bloody chasm for two or three months I will be all right.

Yours truly,

JOHN. J. PATTERSON.

P. S.—Send on the two notes I sent you from Columbia, as I will fill them up and renew the notes in the Juniata Valley Bank and put them off until April.

#### NEARLY BROKE, AND THAT GRAND JURY TO BE SEEN.

UNITED STATES SENATE CHAMBER, }  
Washington, January 16, 1873. }

*My Dear General:* I have been in such an uncertain frame of mind I have delayed writing you. I saw Scott [Col. Tom] last Sunday a week ago, and he promised me to raise what I needed to pay my debts, but has not done it yet, and says money is so tight he can't do it now. It is true money is awful tight at the North, but I don't believe him, and I think the trouble about my seat, or rather, fear that there will be a contest, deters him from advancing. I am going over to Philadelphia this evening to see him, and hope to get some, as I am nearly broke, and must raise some to pay some of my pressing loans. All this, of course, is strictly confidential.

The case of Caldwell [a Kansas Senator under charges of bribery, and a fellow Pennsylvanian of the Kemble school] frightens them. It looks ugly; but he says he will clear it all up, and if he has half a case the Senate will keep him in. I am very anxious for him to succeed, as it will help me by discouraging any attempt in my case.

I can hear of no effort to be made here. Elliott [colored Congressman] is here, but I can hear of no action on his part. The Senators of both parties greet me very cordially and seem glad I beat Elliott, and I am satisfied they will give me a fair chance. Now, I do not wish to return to Columbia as long as the legislature is in session, as I do not want to see some of those fellows. There is no use of my going unless something turns up at the court. Can you manage that through Runkle and Dunbar, if I stay away, if any attempt should be made? Carpenter was here and is all right, and you can confer fully with him. If I am away and it is done it would look better, but of course I will go if it is necessary. If I could have raised money I would have telegraphed you to come on, but I was too poor, and thought we could not enjoy ourselves when both were broke.

I saw Mrs. B. [the seal-lock lobbyist] in New York. She is happy and salubrious. The other fellow [Gen. Roddy] has not returned from Europe.

It is evident that Ryan and McAdden want to sell the N. and F. R. R., as by the terms payment can be made in bonds and coupons. They will buy it and hold it themselves. It is impossible to get Scott [Col. Tom], or any one else, to go into New Railroad schemes now, as money is too scarce.

Now, as to the scrip [Blue Ridge Railroad]. If it fails I will be in a bad way; and it is all Neagle's fault. He is so bull-headed and nearly always wrong that he ruins every one connected with him. I still have hopes that some good may come of his plan. Robertson [then United States Senator from South Carolina] has been active for me in setting things right, and done me great good. He will act in harmony with me in regard to the appointments, and seems very kind and cordial and accommodating.

I want badly to see you, but think it better for you to remain there until I return, or until after the February court. You should see about the grand jury and the right man for foreman, as he will have power to help us. After it is all over, and if I can raise some money to keep us both going, I want you to come here, and we will remain here until I am sworn in. There will be an executive session of the Senate for a few days.

I have written Jacobs to-day fully, and am sorry I have to write you so much bad news, and hoped to wait for better. However, we should not complain. Even after a victory it requires time to repair damages, and we must be economical and virtuous until we repair damages. The future looks very promising, and we will flourish.

Good-by, old fellow, and may God bless you and keep you from temptation! Tell Miles [Parker] his old friend Whitney is at the Arlington, and is known as the rich and gay Southern widow. Such is life in Washington. I have been nearly tempted several times, but I have resolved to fear God and eschew evil, and you should do likewise. I will keep you posted as to my whereabouts so you can write or telegraph me.

Yours truly,

JOHN J. PATTERSON.

#### HEART BOWED DOWN—THAT GRAND JURY MUST BE WATCHED.

J. J. PATTERSON, President. F. S. JACOBS, Sec. and Treas.

[Cut of train of cars.]

OFFICE OF THE BLUE RIDGE RAILROAD CO., }  
Columbia, S. C., Dec. 25, 1873. }

*My Dear General:* I have no heart to write or do anything. It is a sad Christmas. You of course have heard of our being completely cleaned out. The secret history I will tell you when I see you. Frank [Gov. Moses] did not sell us out, only he had not the courage to make a fight for us when it was necessary. He is not so much to blame as some others. Old Wesley and Neagle, the one through stupidity, the other through worse, did more to defeat us than any one else. It is a long story, and I want to forget it. The only hope is to pass a bill when they meet again to pay scrip in bonds at par. This we can do. Cardozo [state treasurer] assures me he will help. Per-

haps we may get them to allow interest on the scrip. I have given it two months' hard work, and am feeling very badly. Can Bowen do anything with Jerry to make him go right? They seem cross at us both [I mean Gilleon and Jerry].

I must go to Washington, and would like very much to see you. I can neither sell or rent my house, and will wait until February. I will return here after the legislature meets to try it again, as it is my only hope. My great trouble is how to bridge over the next two months. Can you or Gurney help me in any way? I need five hundred dollars very badly. It seems very strange, the warehouse and drayage all at once turns out nothing when there is so much business in port and when other years it paid so well. Shepherd got no appropriation before the recess, and you can get nothing there. Curse the luck. Everything goes wrong.

I hear no more stories of bribery, except that I paid Coleman \$8,000 to dismiss the case. I wish I had half that much. Jones was arrested and gave bail. Moses agrees to appoint Dennis jury commissioner. The jury matter must be watched closely, or it may lead to trouble. I must go to Washington, as it will not do to stay away any longer. Could you come to-morrow night and let us look over matters? I forgot to send you Mounce's name, although I presume you got it from the newspapers. It is W. H. Mounce, but I can't find out what the W. stands for. You had better write to him and inquire. I will start on Sunday or Monday.

Telegraph me if you can come up Friday night. Wishing you had more pleasure to-day than I have had, I remain,  
Yours truly,  
JOHN J. PATTERSON.

#### DEAD BROKE, AND BOSS SHEPHERD'S APPROPRIATION NOT MADE.

COLUMBIA, Dec. 27, 1873.

*Dear General:* I enclose you note indorsed, which you can fill up. For God's sake try to get it, or I can't go to Washington, as I am dead broke and can't raise any money. I loaned some money around and now can't get a dollar in return. Try early Monday morning and telegraph me. If you fail I don't know what in the hell to do. If you get it, telegraph me here, and get a draft payable to my order and forward it at once to me at Washington.

Be sure to give Mounce a place or he may go back on us. After you see the appropriation made for Shepherd you should come on, and we will try to get something out of him. That will not be until February. Hoping to hear from you favorably, I am yours truly,

JOHN J. PATTERSON.

I inclosed two [notes], thinking it might be easier to get two discounted for \$250 each at different banks.

#### IF DENNIS IS JURY COMMISSIONER ALL WILL BE WELL.

COLUMBIA, Dec. 29, 1873.

*My Dear General:* Your despatch received, and was more bad news. I start to-morrow, and what I am to do is a mystery. If you possibly can get \$250, do it, and send it to me. Moses will, he says, appoint Dennis [jury commissioner], and if he does Dennis will be all right. See him when he goes to Charleston on 1st January. I make Frank [Gov. Moses] believe we do not blame him, and put it all on Cardozo; and when you meet him be friendly with him, and say that we do not blame him, and that I have written you that way. We must keep in with him, and, if possible, get something for our scrip, so we will have it out of the next campaign.

Try, if possible, to raise me \$250 on one of those notes. Write me to Washington. Be sure to attend to the drawing of the jury. Gen. Robertson is here, and says I have trouble ahead in Washington—that them attacks have done me harm. Good-by.

Yours truly,

JOHN J. PATTERSON.

#### READY FOR A HELL OF A FIGHT.

UNITED STATES SENATE CHAMBER,  
Washington, Dec. 11, 1874.

*My Dear General:* Yours received. I am not despairing of the party or the Republic, and am ready for a hell of a fight, and only regret we must wait so long; but I feel hurt that Chamberlain should go out of his way to insult me by appointing such a fellow as Jones, who is no one's friend, only Cardozo's spy, and who abuses me on all occasions. Puffer, Solomon, Judge Carpenter and myself went to him and asked it should not be done, and he assured us he had made no such promise. It was a deliberate lie, and a mean one, and he should be ashamed of himself. When I think you and I, Puffer, Carpenter, and only a few were his friends over a year ago, and determined to make him governor before Melton or Cardozo believed he had any chance, it seems very unkind in him to disregard our wishes. As he, Cardozo and Elliott offer us no share of their patronage, I propose that we use our patronage entirely for our own benefit, but not now, as it is time enough.

No doubt Chamberlain thought it would soothe us by writing to you that he would stand by us. I do not know that we need his help, and let him show his gratitude by refusing to give our enemies places. Rainey is very much excited because I will not help to remove Sam Lee, and he can't do it without me. There is no use in our quarrelling with these enemies when they feed us. We made ourselves odious to the people of the state by fighting the battles for Elliott and Chamberlain, and now they are willing to see us cursed if they can be praised. We hold the cards and I propose to play them in future for our benefit. When you come up we will talk the whole matter over.

I trust Bowen and Puffer will get their judge, but Chamberlain told me he was opposed to Baker because he was a carpet-bagger, and it would not do to run that question too strong. I felt cross then, and told him he had better not talk that way or it would ruin him. From that time I gave up my confidence in him. I know he will cheat all our friends in the state. Like Moses, he will think it best to break us all down, and like him, he will fail. I am in good spirits and having a good time, and do not want to change my luck. Yours truly,

J. J. P.

#### HELL AND THE POORHOUSE NOT FAR OFF.

UNITED STATES SENATE CHAMBER,  
Washington, Jan. 23, 1875.

*Dear General:* I have delayed writing, intending to go South if necessary. I do not think it is at this time. The grand jury will be drawn this week, and as soon as we know the complexion of



if we can tell where we are. I look for the worst kind of jurors, as the Chairman of County Commissioners is George Davis, a Democrat, but I guess Nash can do something with him. After the grand jury is announced it will be time enough for me to go down.

Baldwin writes me that Warner told him that owing to the reduction nothing had been paid up, and the matter was dropped. When Cunningham [Mayor of Charleston] taxes his policemen \$30 per month for three months, on a salary of \$60, to raise money, I think your employees, with salaries ranging from \$750 to \$2,500, should help to carry the load. To-day they all hold their places through me, for, if I would join in the effort to turn you out, there would be no one to oppose it, and they would all be turned out, and would soon find their present salaries three times what they could make outside. However, I am glad they did not give anything, as it might be brought up against you and me in the fight against you. I will stand by you, but hereafter hope you will not hesitate to turn any of them out to make room for some one who can help us politically. These fellows do not thank us, and I propose to disregard their interests hereafter. As I said, it is well nothing has been paid, and I ask that nothing shall be, as it will only be used against us.

No matter how much I do for other people, no one is ready or able to help me. You are the only one who tries to help me, and I certainly appreciate it. If I would consent, every Federal officer would be removed except Corbin and Bowman. I confirmed Corbin [U. S. district attorney] to show him I would keep my promise, and if he breaks his to me I can't help it. You and Bowman made me go for him.

I see no way now to hold my house. If I had not relied upon the money you expected to raise, I would have brought my furniture here, but it is sold, and Baldwin got the pay, and I suppose now I am to lose house, furniture and all. Well, every day things get worse. Hell and the poorhouse can't be far off!

Of course, we could not tell about the reduction, but where there is a will there is always a way. Now, let it go, and do say, or do nothing but tell the committee to drop it finally. I can't raise the money to furnish this house, and, with a prospect of indictments ahead and lawyers' expenses, I do not wish to go in debt. I am so much troubled sometimes I get perfectly desperate. What a fool I was to impoverish my family and myself, and to render myself liable to prosecutions, in order to secure and hold an office to benefit every one but myself. Hereafter I propose to only help them who help me. I am getting very poor at the generosity game. Spencer [Republican Senator from Alabama] told me his Federal officers raised him ten thousand dollars in one year, and he has not as many as we have, I don't believe.

I talk thus freely to you, as we understand each other. We have been too easy and too free with our former favors and patronage. It may be too late, but let us help ourselves. Cass Carpenter is here, and gives me all the news. I have read Whipper's speech. It is heavy, but true and just.

Everything here is all right. Everybody is getting Radical, and the whole North is waking up to understand the Southern question. A united Democratic South has alarmed the North! You are all right, and I do not fear any danger. All our friends will stand by us. After we hear about the grand jury we can determine about my going down or your coming up. I will write Dennis [jury commissioner] to write me as soon as it is announced. Cass will also write me.

I am very well. Willie is here from school. I really could not afford to send him. He is young yet, and may go hereafter. He is my clerk. Your friend,

J. J. PATTERSON.

#### A HELL OF A TIME, BUT BOSS SHEPHERD A TRUMP.

UNITED STATES SENATE CHAMBER,  
Washington, May 8, 1876.

*Dear General:* I have had a hell of a time with your bond. Park, the agent, reported against its sufficiency, owing to the condition of Solomon and Dunn, and the fact that McKenley and Tom Johnson were on other bonds. He did all he could to damage the bond, and Bluford Wilson [Solicitor of the United States Treasury] decided it not good. H. C. Johnson [Commissioner of Customs] said he would overrule Wilson if I could get a strong man on here. I went to Gov. Shepherd and told him how you were being persecuted, and asked him to go on, and this morning, like a man, he went up and went on the bond and justified in \$50,000—thus taking the whole bond upon himself if your other sureties are not good. The agent reports Gurney and Bart good; McKenley and Johnson and Sanborn and Howard only probable, and Solomon and Dunn not good.

As soon as Shepherd signed the bond, Commissioner of Customs Johnson at once approved the bond, so it is all fixed. I want you write Shepherd, thanking him for his kindness. Mr. Rawlins was present and told Shepherd the condition of the office and accounts. Johnson told him it was one of the best offices in the country. Now say nothing to any one, only keep quiet and your own counsels. You have triumphed, and that is enough.

Butts has injured his case by rushing into the newspapers, and I think the result now will be that Mackey will be ousted and a new election ordered. I wrote that Bowen and friends would consult with Elliott and others and agree upon a candidate and a programme. Whoever is the candidate must agree to raise money, and if he can't he should not ask us to support him. Grant seems unwilling to remove Bowman now without cause. Jewell [Postmaster-General] seems willing to do it, but Grant, as usual, hesitates to do what is decent. I have kept it very quiet, and want you to say that no effort is being made to remove Bowman. I will get him out after a while, only I do not wish to make a losing fight.

I am awful poor and do not know what to do. Is there any possible chance for you to take care of a draft for \$500? I go to the Centennial to-morrow with my wife, but we only remain there on Wednesday and return on Thursday, and go by special train to York, so that I have not written Mrs. W., as she would not desire to go over for one day. We go over because we are to go as dead-heads. Mrs. P. and the boys will go over again in June, and I think Mrs. W. had better go then with us, and you will be here and can go along.

We had the Emperor [Dom Pedro] in the Senate gallery to-day. He is a good-looking man and travels quietly, and goes about like a private gentleman.

I am glad Stone was appointed. It will show Elliott how Chamberlain feels. I had a letter from Judge Carpenter, who is still for fight. I am anxious to see you all, but will wait until we get together in June. I am afraid Cass Carpenter will fail in his bond. Corbin has it now. I think Don Cameron will go into the Cabinet in a few days, but I do not know in whose place. Say not a word about it. Glad Jo Cain beat Mackey.

Your friend,

JOHN J. PATTERSON.

## DON CAMERON WILL RESPOND FREELY.

UNITED STATES SENATE CHAMBER, }  
Washington, July 30, 1876. }

*My Dear General:* Your letters have all been received and read with pleasure. I have not answered because I hate to write letters and have little to say. We are waiting, but everything is uncertain, and no one can tell when we will adjourn. We will stand out, and if the House insists, we may not adjourn unless Grant sends us home by cause of disagreement on adjournment. I have been at Morrill [Secretary of the Treasury] to approve of Shine's removal, and he has agreed to do it. Yesterday I was there, and Conant [Assistant Secretary of the Treasury] sent for the papers and promised me to attend to it, and I guess he will. I will see him to-morrow again. I am watching things at home with great interest and am very anxious to go and will be there by the 15th, if not sooner. I will give up Congress, as I want to be at home and take a hand.

I have much to tell you, but can't write it, and will wait until I get home. Don Cameron is all right, and we can get all the help we want. I go to New York Tuesday, to attend meeting of executive committee [National Republican] on 2d August, as I am on it. Potter goes out as architect. That is good. Gov. C. was very anxious while here, and I told him I guess we would be all right.

I hope the Dems. will nominate on 15, and then we can throw Gov. C. overboard, and there is no one that can offer him better terms than I can. He will trust us before those other fellows. However, it will be time enough when I get down. Smalls is very bitter against Gov. C. You get all the news in the papers, while I can tell nothing of S. C. affairs from the papers.

Yours truly,

J. J. PATTERSON.

## MODEL LETTER FROM A UNITED STATES SENATOR.

UNITED STATES SENATE CHAMBER, }  
Washington, July 22, 1877. }

*Dear General:* Yours received and of course gave me great anxiety. I have employed Colonel Cook, one of our shrewdest lawyers, and he says they can only require me to give bail here, and that I can demand a hearing, and they must prove their case, and that I can offer proof of my innocence, and if the commissioner thinks proper he can discharge me. He says I can resist even if I am indicted, which cannot be until October. Judge Cartter would grant the requisition, and he is all right. It will be so apparent an effort to get me out of the Senate that every one will understand it, and make me friends and create sympathy for me. I will keep a sharp lookout, but in no event shall I be taken back to S. C.

Dennis is staying here, and seems very uneasy. I have seen Scott to-day. He is uneasy, but pretends otherwise. I can't think they will attempt to send for any of us without an indictment. I will telegraph you if they come for me, and I may need your testimony in my behalf, and you will understand if I telegraph you to come here. Now to pleasure:

One day last week I saw a splendid looking girl in the Ninth street car. I was bad struck. I saw her another day in a store. On Friday I wrote a note to your friend Miss Van Buren to meet me at Crosby's on Saturday, but she did not come. I sent her a note that I would like to see and say where I could see her, and she sent me word to come and see her at her rooms yesterday at 4, and when I went, found her to be my street car lady. She is gorgeous. She put on airs, and was very stiff, and I made an excuse that you wanted me to help her to get an office, and had asked me to call, but I had forgotten her address and had written you for it. She seemed afraid of me, was engaged last evening, said she would go away to-day for a few days. I asked her to let me know when she returned, and she only half promised. She said she was going to write you, and if she does, tell her I will befriend her. We must not let that go out of the family. Keep up heart; keep me posted. Your friend,

PATTERSON.

## DON CAMERON'S ORDER MEANS "BIZ."

UNITED STATES SENATE CHAMBER, }  
Washington, Aug. 18, 1876. }

*Dear General:* I enclose you Bemy's appointment. Have him make up a strong bond, as Senator Robertson will strike at it. Have it approved by Corbin, if possible. Say nothing, and keep it quiet if you can. Sheer's removal was ordered to-day. I am getting things ready so I can go down, and expect to start on Monday or Tuesday.

Hampton's nomination will unite our party and prevent any bolt, and if we throw Gov. C. off he must still support the ticket. Don Cameron's order [sending troops to South Carolina], means "biz." We will get all the troops we want. I had them ordered to Laurens, Edgefield and Blackville, and we will have other places filled.

I have very much to tell you, but will wait until I see you. Everything looks well and our friends are very confident. Yours truly,

JOHN J. PATTERSON.

## BLAINE, HALE AND FRYE WANT ME IN MAINE.

UNITED STATES SENATE CHAMBER, }  
Washington, Aug. 26, 1876. }

*My Dear General:* Your letters all received. I can't leave here until after next Wednesday, and I hope by that time Bemy's bond will be received. I would like to be here to help it through, as Tom Robertson may object to it. I guess it is as well for me to be away from S. C. just now. Let Dunn and D. H. C. fight, and let us be friendly to both, and when the Convention meets we will know what to do. I do not know what is best to do even if I can be nominated [for governor], but you and Bowen and I will talk it over.

Shine's removal has been ordered, and I presume you have the secretary's letter. Hiram goes out and Stolltsund takes his place. I found Grant wanted to give him some place, and proposed this. He is our friend, and will do what you want. But don't say I had it done. I could not get it for Dennis, and when I found I could use (name illegible), thought it would be wise to do it.

I guess I am doing as well here as if I was at home. Blaine, Hale and Frye want me to go to Maine and repeat my speech there. I would like to go on Thursday next, and stay so I could reach Columbia on the 11th. If you think I could stay away telegraph me. My speech is universally commended, and is highly spoken of. I guess it was a success. Keep me posted. I hope Bowen will succeed in his matters. In the meantime, I have a little good (rye). Don't you take water, old fellow. It is good to see the Reps snub D. H. C.

Your friend,

JOHN J. PATTERSON.



TELL AS LITTLE AS POSSIBLE.

UNITED STATES SENATE CHAMBER,  
Washington, July 28, '77.

*Dear General:* Just returned; have seen Jake. He is all right, and will do what is wanted. I have received your letters, and also your despatch saying you are summoned. I would go, and refuse to answer anything, especially on the ground of your being counsel for Parker and Scott and Moses. You can prove that by Jacobs and me. Tell them you only knew of the Mooney and Leggett warrants as counsel. The story of Moses about those certificates is all stuff. If ever I bought any it was on the street. He can't substantiate this story, and Jacobs and I know it is not true, but don't say anything about it. Tell the committee as little as possible. In regard to my election, decline to answer on the ground that you were my counsel and acted as such, and all you know was obtained in that confidence. They can't commit you for contempt until the legislature meets, and by that time I think we can have it stop'd, or you out of their reach. Write me after you testify. I send this to Columbia. I still do not think they will find anything against you and me except in regard to my election, and I do not believe they will press that. I still think they will let you and me alone. I am anxiously looking for Butler. If he is in Columbia let me (know), and find out when he is coming. I care nothing for what Moses may tell or say. I will write you to-morrow again. I will keep Jake posted.

Yours truly,

J. J. PATTERSON.

## A MODEL CARPET-BAG LEGISLATURE.

"A state has no right to be a state unless she can pay and take care of her statesmen," said the Hon. C. P. Leslie, a carpet-bag State Senator of South Carolina. This opinion met with the unanimous approval of every other Republican in both branches of the assembly. Right nobly did South Carolina take care of her "statesmen" under the carpet-bag regime. The supplies purchased during one session of the legislature, under the head of "legislative expenses, sundries and stationery," cost \$350,000, of which sum not less than \$125,000 was paid for "refreshments," "wines," "liquors" and "cigars." The legislative duties of the South Carolina statesmen were extremely fatiguing. The climate of the country being naturally enervating, it became necessary for the assemblymen to provide some place where needful repose might be obtained. A large room in the State House was fitted up in the most elaborate manner. The walls were magnificently decorated, furniture the most costly was purchased, and every luxurious appliance necessary for the bodily comfort of the members and pleasing to their artistic tastes, so surprisingly developed, was obtained regardless of cost. Nor were their grosser natures neglected in this legislative retreat. Westphalia hams, Bologna sausages, imported cheeses, gilt-edge butter, sardines, smoked and canned salmon, beef, buffalo tongues, fresh oysters, mushrooms, guava jelly, pickles, brandy cherries and peaches, French chocolate and other refreshments filled the larder. Bottles of various brands of champagne, Moselle, Catawba, Chateau la Rose, La Fitte, sherry, Madeira, cognac, rye and bourbon whiskies, gin, rum and bitters were on hand to promote digestion. Negroes whose only acquaintance with tobacco previously had been the mastication of horse-leg plug and manufactured leaf, smoked imported brevas, partagas, espanolas, conchas and other brands of choice cigars. The champagnes cost \$40 per case, port wine \$40 per dozen, brandy \$20 per gallon and other articles in the same proportion, all paid for by the state.

## A WONDERFUL BAR-ROOM.

The State House bar-room was kept open from 8 A. M. to 3 A. M. There the state officials, judges, Senators, members of the House, citizens generally and invited guests assembled and discussed affairs of state. The legislators of South Carolina developed a fertility of resource, a knowledge of mankind and a true insight into the needs of the commonwealth under these circumstances which is unequalled in the history of legislation. The investigating committee examined the barkeeper of the State House restaurant. Although familiar with social resorts of large cities, the barkeeper said that "he never saw a bar-room equal to the State House restaurant for drinking, smoking and talking." The amount of

ex-Senator Patterson were the bright lights of the pay certificate Ring. The former issued the certificates and the latter purchased them.

cient cigars to supply the demand. *There is a constant circulation between* always filled their pockets when they put their hands in the box. The state, moreover, paid for large quantities of liquors and cigars furnished members at their boarding houses. On March 4th, 1872, one dealer furnished the Senate with \$1,631 worth of wine and liquors, and on the 7th, three days later, he sent to the Senate \$1,852.75 worth, aggregating \$3,483.75 in that brief space of time. The liquor bills were always promptly paid, while the free schools were closed, teachers unpaid and the inmates of the lunatic asylum were suffering from lack of proper clothing and food. The following is a literal copy of one of the bills found among the vouchers of the clerk of the Senate:

Gov. A. J. RANSIEER	COLUMBIA Feb 23th 1872
	Dr.
To JOE TAYLOR	
for licours and segars and other Articulars.....	\$280 00
Recuieved paymen	

JOE TAYLOR.

During watermelon time the negro legislators revelled in the delicious fruit, as a bill of \$1,080 presented by a fruiterer shows.

#### FURNITURE BOUGHT BY THE STATE.

Not in the purchase of wine, liquors, cigars and watermelons alone did South Carolina show her liberality toward her "statesmen." The state bought furniture for the members of the legislature. Over \$400,000 was paid for furniture within four years, and at the expiration of that time there was by appraisement \$17,715 worth of furniture in the State House. Members who had rarely enjoyed the luxury of sleeping on anything softer than a husk mattress or bundles of straw came to Columbia and furnished their beds with sponge mattresses as naturally as though they had lived lives of voluptuous ease. When the pattern of the Wilton carpets upon the floor of their apartments failed to please the eye, or the color of the satin upholstery became tiresome, the colored gentlemen shipped it off to their log cabins in the country and ordered a new outfit. Rooms were refurnished as often as three times in the course of two years. At the expiration of a session of the legislature the furniture would be removed to the homes of the members, never to be returned. A house of ill-fame in Columbia was furnished at the expense of the state. Musical instruments were bought with the public funds, and the sweet strains of the melodeon and accordeon helped the members to wile away their leisure hours. Bills for carpets aggregating thousands of dollars were paid; \$68,000 was paid for stationery in one session. Gold pens, jack-knives and bronze inkstands were consumed with great avidity; every member (even those who could not write) was supplied with a Webster Dictionary unabridged.

Diamonds were as plentiful in the South Carolina legislature as in the mines of Golconda. Huge stones flashed from the white bosoms of the legislators with dazzling radiance. Huge watch chains, from which depended expensive gold watches, were hung about the necks of these "statesmen." South Carolina paid for these adornments. Mr. Woodruff, clerk of the Senate, kept a diary during the era of this extravagance, and a glance at his memoranda now and then is interesting. Here is one:

WEDNESDAY, January 15th, 1873.

Collected certificate for \$945, and paid Hayden for Whittemore's watch. Gracious goodness! Whittemore will have somewhere about ten thousand dollars this session. That ought to be satisfactory. He is always, though, after one more.

Whittemore was a state Senator. The prudent statesmen stole the coal and



### Speaker Moses testified :

Some time during the session of 1871-'72, John J. Patterson came to me and proposed that if I would turn over to him blank pay certificates he would have them filled up with fictitious names to the amount of \$30,000, and if I would sign them as Speaker, and have Jones attest them as clerk, he would pay me \$10,000, he to keep the certificates. I accepted the proposition, delivered to him a batch of blank pay certificates, and he returned them to me filled out, I think in the handwriting of F. S. Jacobs, cashier of the South Carolina Bank and Trust Company, to the amount above stated.

The evidence further shows that they were duly signed, and that Patterson paid Moses in cash \$7,000 at one time and \$3,000 at another.

Woodruff, clerk of the Senate, kept a diary, in which he entered his opinions of what was going on with great freedom. This is a sample entry :

TUESDAY, March 17, 1874.

Signed and gave out certificates to a great number to-day. Almost signed the state away. I did hope that Gleaves and Lee would be able to stand the pressure. It's just awful!

### LEGISLATIVE EXPENSES.

The total legislative expenses of the South Carolina General Assembly under Republican administration, were as follows :

For 1870-'71.....	\$822,608 83
For 1871-'72.....	1,533,574 78
For 1872-'73.....	908,855 00
For 1873-'74.....	922,536 00

The legislative expenses in 1876-'77, under Democratic administration, were \$84,096. The surplusage over this sum represent the amount stolen by the Republicans at each preceding session of the legislature.

### THE PRINTING SWINDLE.

The Republicans of South Carolina were not content with the proceeds of their robbery of the people by the issue of fraudulent certificates. Every institution of the state was laid under contribution and every scheme that rascally ingenuity could devise to bleed the taxpayers was put in operation. The division of spoils extended from the highest officers of the state to the lowest members of the assembly. The only difference between the operations of the Republican Ring in Pennsylvania was that the matter of the latter was "addition, division and silence," while the former only looked to "addition and division" and did not deem it necessary to maintain silence. The carpet-baggers thought it necessary to have the support of the press, and as all of the established organs were Democratic they used the funds of the state to start various Republican newspapers, daily and weekly, throughout the state. Their principal organs were the *Charleston Daily Republican*, the *Columbia Daily Union* and the *Columbia Union-Herald*. A large amount of money was expended annually for their maintenance. Bills purporting to be presented by virtue of law were illegally and fraudulently increased in amount to many thousands of dollars, and paid year after year from the state treasury.

At first the division of the money thus obtained was confined to a few leading members of the assembly, but as the demands for money increased the scope of operations was widened and the Carolina Printing Company, a firm composed of state officials and the editors of the *Republican* and *Union*, was formed. Pay certificates for public printing were issued right and left, and thousands of dollars were stolen annually in this manner. Claims for current and permanent printing were raised in many cases three times the original amount and the proceeds divided among the Ring.

From 1868 to 1876 the amount appropriated and paid for printing, including the publication of the general laws and claims for printing, was \$1,326,589, a sum largely in excess of the cost of public printing from the establishment of the state government up to 1868, including all payments made during the war in

confederate currency. In 1873 the public printing in South Carolina cost \$450,000, exceeding the cost of like work in Massachusetts, Pennsylvania, New York, Ohio and Maryland for that year by \$122,932.13. Ohio, with nearly four times the population of South Carolina and over nine times the capacity to pay, obtained her public printing for \$63,000.

#### ORGANIZATION OF THE PRINTING COMPANY.

The South Carolina Printing Company was organized in 1870 by J. W. Denny, R. K. Scott, N. G. Parker, D. H. Chamberlain, J. W. Morris and L. Cass Carpenter. The committee say:

Senator Leslie told Woodruff that "the friends" in the Senate thought that as this was a matter of Senate patronage they should have a percentage of the profits from the printing. In order to carry out the wishes of "the friends," Mr. Leslie proposed that pay certificates for various amounts, ranging from three to five thousand dollars, for current printing be drawn, and one-third or one-fourth of the amount realized be given to the Chairman of the Committee on Printing for division among "the friends," including some fifteen or sixteen Senators. This system was carried out as long as moneys could be paid out of any sums in the treasury, not otherwise appropriated, and was only checked and stopped when the law for specific appropriations and payments was enacted. Besides this, Woodruff testifies that a vast deal of unofficial work was done by the company for State officials, friends and members of the general assembly; that the certificates were usually discounted at the South Carolina Bank and Trust Company, of which bank Governor R. K. Scott, Treasurer Niles G. Parker and Attorney-General Chamberlain were stockholders. The checks in the hands of the committee are but a portion of the amounts paid during the time of the above arrangements. The money was deposited to the credit of the Printing Company, and sometimes, according to the witness, division or gratification checks were drawn against deposits in the Carolina National Bank and Central National Bank, which checks he supposes are still held by these banks.

#### SCOTT, PARKER AND NEAGLE, MOSES AND CARDOZO.

Gov. Scott, Treasurer Parker and Comptroller Neagle formed a combination whereby \$45,000 of printing accounts were sold to Neagle, afterwards raised and receipted for on the treasurer's books at \$90,000, thus defrauding the state out of \$45,000 at one stroke. This sum was divided equally among the conspirators. Out of the appropriation of \$280,000, approved December 21, 1872, \$98,500 was paid at one session as bribes and "gratifications." Gov. Moses, Treasurer Cardozo and twenty-two out of thirty-three Senators participated in this steal. Every session money was appropriated and stolen in this way. Here is an extract from Woodruff's diary appropos of the printing steal.

THURSDAY, January 16, 1873.

Cardozo gave us checks for \$100,000. I propose to give Cardozo \$12,000 out of this. That will be a big thing for him. If we had Parker we would probably have had to pay half of it and then not get it. Jones and self will come out clear about thirty thousand dollars between us, or \$15,000 each.

In comparison with the usual record of payments made by Woodruff, the following entry seems amusing:

TUESDAY, February 4, 1873.

Gave Mr. White a check for \$25, and we agreed to stand by each other to the last.

Out of an appropriation of \$230,000 made for printing in 1873, \$41,269 was paid to seventy-seven members of the House out of a total membership of 124. The instances above given, selected from a multitude of similar ones, will illustrate how tenderly South Carolina cared for her Republican "statesmen." Under Democratic administration, in 1877, the public printing of the state cost \$5,222.

#### THE GREENVILLE AND COLUMBIA RAILROAD SWINDLE.

When John J. Patterson entered South Carolina, his first manœuvre was to become identified with the material interests of the land of his adoption. It was rough on the material interests of the state, but a good thing for Patterson. "Honest John" set himself up in business by obtaining a contract for the completion of the Blue Ridge Railroad, which contract was annulled by the payment of \$80,000 to him out of the treasury of the state. Out of his share of the proceeds of this robbery he organized a Ring composed of public officials to obtain possession of the Greenville and Columbia Railroad. In this Ring were included



Patterson, George W. Waterman, representing the interests of Gov. Scott, Treasurer Niles G. Parker, State Auditor Tomlinson, Comptroller General Neagle, Attorney-General Chamberlain, Secretary of State Cardozo, Land Commissioner Leslie, Financial Agent Kimpton, Joseph Crews, Chairman of the Committee on Railroads, and Representative Tim Hurley. The state at that time owned large amounts of stock in various railroads, which had been acquired in consideration of bounties conferred upon those corporations.

#### THE BEGINNING.

An act was passed by the Ring creating a sinking fund commission which was empowered to sell all the unproductive property of the state. The commissioners appointed under the act were the members of the Ring organized by Patterson. The ostensible purpose of the act was to enable the state to sell damaged granite, marble and other materials laying about the State House. The real purpose was consummated by the sale to the Ring of 21,698 shares of the Columbia and Greenville Railroad stock, bought by the state at \$20 per share, aggregating \$433,960, for \$2.75 per share, aggregating \$59,969.50. The stock of the state in other railroad corporations was also sold and the fund transferred to the financial agent, from whom it was stolen by the thieves who concocted the scheme.

#### WHOLESALE BRIBERY.

The act authorizing the creation of the commission was passed by bribery, the means being furnished by Financial Agent Kimpton. After the Ring had obtained possession of a majority of the stock of the road another act was carried through the legislature by bribery, authorizing a further issue of bonds of the road and its consolidation with the Blue Ridge road. A well-devised scheme was concealed underneath the wordy sections of this voluminous act. The state held a lien for indemnity against her indorsement upon \$1,500,000 of guaranteed bonds of this company, so that subsequent bonds would be of little or no value and could not be sold by the Ring. The Ring devised a section in the bill by which the lien was postponed to bonds to be issued under a second mortgage, thus enabling the Ring to divide and put their bonds upon the market, the only security held by the state being swept away and a contingent debt of \$1,500,000 fixed upon her. Although the Ring obtained the stock owned by the state by fraud, it became necessary for them to buy of private holders in order to secure control of the management. Financial Agent Kimpton was applied to for funds. He had in his possession many millions of bonds of the state for sale or hypothecation, and although the proceeds of the sale of the bonds were only applicable to the purposes of the state, Kimpton raised by the sale of state bonds enough money to buy about \$173,000 worth of stock par value.

#### THE IMPEACHMENT SWINDLE.

During the Republican carpet-bag administration of South Carolina, the leaders were constantly waging a secret warfare against each other. The state officials and members of the legislature were aware of the extent of the plundering conspiracy and knew about the share that each man received. The principle of "honor among thieves," which is supposed to apply in the select circle composed of pickpockets, burglars and thugs, in the larger cities, was unknown in Columbia. When the state's money gave out these worthies would fall to robbing each other. Among such expert thieves the task was a difficult one.

An investigation of the state debt showed beyond peradventure that the Financial Board, composed of Governor Scott, Treasurer Parker and Attorney-

General Chamberlain had illegally issued several millions of state bonds. On the 18th of December, 1871, C. C. Bowen, a member of Charleston, introduced a resolution to impeach Governor Scott and Treasurer Parker for high crimes and misdemeanors. John J. Patterson saw a brilliant opportunity to make a strike. The legislature was overwhelmingly Republican, the members generally had participated in the numerous frauds originated by the men it was sought to impeach, and there was no prospect of the passage of the impeachment resolution. Patterson wanted money, however, and he began operations on Scott.

Assisted by his tool, H. G. Worthington, Patterson set about frightening Scott. He informed the governor that impeachment was certain to follow the result of his misdeeds unless something was done to prevent it. That "something" was to bribe the members to vote against the resolution, and Patterson said that he alone could insure Scott's safety. For a long time Scott held out against Patterson's threatening talk, but at last he was persuaded that he would be impeached, unless the members of the House were bribed. Scott signed in blank three warrants or orders upon what was known as the "Armed Force Fund" and gave them to Patterson. Scott told Treasurer Parker that the warrants should be paid when presented, remarking: "I don't know what amount he will want; I hope not a very large amount, but I suppose the scoundrel will make it as large as he can."

The warrants were filled out by Patterson in fictitious names—one to John Mooney for \$25,545, another to John Leggett for \$10,600 and the third to David H. Wilson for \$13,500, making in all \$48,645. The money was collected by F. S. Jacobs and Hardy Solomons, both trusted friends of Patterson, a day or two before the vote on the impeachment resolution was taken. In addition to this Speaker Moses received \$15,000 of state money from Governor Scott for making a parliamentary decision in the House, which prevented the report of the joint investigating committee (which fully established Scott's guilt) from being presented. How much of this money Patterson used to bribe members is not known, but the resolution was defeated by a vote of 63 to 27, and two of the members of the Ring went unpunished for their crimes.

#### THE BLUE RIDGE RAILROAD SCRIP FRAUDS.

A plausible scheme to relieve South Carolina from its guarantee of the sum of \$4,000,000 of the bonds of the Blue Ridge Railroad was introduced in the shape of a bill in the House on the 3d of February, 1872, by A. L. Singleton. The state was to obtain this relief ostensibly by the issue of scrip to pay the honest debt of the company, but in reality the object of this scheme was to convert this scrip into a corruption fund for the benefit of the Ring. The plan of the conspirators succeeded admirably for a time. They bribed members to pass the bill through the legislature. The governor vetoed it. He was not interested in this steal. The bill was passed by bribing over his veto and scrip was issued. The Supreme Court decided the issue of the scrip to be unconstitutional, and the scheme was then dropped.

#### THE VALIDATING ACT AND FINANCIAL SETTLEMENT.

On the 8th of February, 1872, a bill "relating to the bonds of the state of South Carolina" was introduced in the House by John B. Dennis. It appeared to be an act to validate the irregular issue of certain bonds, but it was a bill to validate the illegal use and disposition of \$6,000,000 of state bonds by H. H. Kimpton, the financial agent, and fasten that debt upon the state.

At the same time Dennis introduced another bill entitled "a bill relating to the



financial agent of the state in the city of New York." This measure empowered the notorious financial board to make a settlement with Kimpton, and afforded the desired opportunity of covering up and cancelling the large amounts paid out by Kimpton from sales of bonds illegally made, to be divided in commissions among the Ring, and in carrying the purchase of the Greenville and Columbia Railroad for the same Ring. The following simple and concise agreement made between the thieves, who doubted the honesty of each other, explains the purposes of the Ring in securing the passage of these bills:

#### THE THIEVES' AGREEMENT.

VICE-PRESIDENT'S OFFICE,  
GREENVILLE AND COLUMBIA RAILROAD COMPANY, }  
Columbia, S. C., March 4, 1872. }

Hon. NILES G. PARKER, State Treasurer, South Carolina:

Please deliver to H. H. Kimpton "revenue bond scrip" due the Blue Ridge Railroad Company, according to act passed March 2, 1872, amounting to one hundred and fourteen thousand, two hundred and fifty dollars, at par, upon the following conditions: That forty-two thousand eight hundred and fifty-seven dollars of said scrip, at par, is to be used for paying the expenses of passing through the House of Representatives bills styled "A bill relating to the bonds of the state of South Carolina, and "Bill to authorize the financial board to settle the accounts of the financial agent." Now, if these above-named bills are passed and become laws, this order for forty-two thousand eight hundred and fifty seven dollars in scrip, at par, is to be paid to said Kimpton; and if not passed, then this order for that amount to be void and the scrip is not to be delivered. Also that seventy-one thousand four hundred and fourteen dollars of scrip, at par, you shall deliver to said Kimpton if said bills become laws, and provided that he shall pay the sum of fifty thousand dollars, the proceeds of said scrip at seventy cents on the dollar, in paying the expenses already incurred in passing through the Senate the bill known as "A bill to relieve the state of all liability on account of guaranty of Blue Ridge Railroad bonds, etc.," passed March 2, 1872, which said expense said Kimpton has contracted to pay; if said Kimpton fails or refuses to pay said amounts in defraying said expenses (when required by me), then this order to be void. If said conditions are complied with and the amount of scrip delivered to said Kimpton, he is not to be held liable for or to account for its value. The above two sums of \$42,859 and \$71,414 in scrip, at par, make up the amount of scrip first mentioned in this order.

JOHN J. PATTERSON,  
President Blue Ridge Railroad Company in S. C.

Witness: R. B. ELLIOTT.

These bills became laws. Three drafts, one for \$25,000, another for \$35,000, and a third for \$12,500, were cashed on Blue Ridge Railroad scrip as collateral security, and the money was used to bribe Senators and assemblymen to vote for the bills. Treasurer Parker was compelled to take up the drafts when they came due, he paying all but \$10,000, which was contributed by Gov. Scott. These schemes put thousands of dollars into the pockets of the originators of them.

#### THE KU-KLUX REWARDS.

On the 28th of July, 1871, Gov. Scott issued a proclamation offering a reward of \$200 for each person arrested with proof to convict of the charge under the enforcement act commonly known as the Ku-Klux Act. The legislature appropriated \$35,000 to pay these rewards. The governor, instead of paying the rewards himself, appointed a commission composed of Attorney-General Chamberlain, C. D. Melton, J. D. Pope, R. B. Elliott and James A. Dunbar, for the distribution of the rewards. The commissioners paid themselves \$500 apiece for their services. The record of the United States Circuit Court for South Carolina shows that 109 persons were convicted under the Ku-Klux Act. A reward of \$200 for each of these convictions would have amounted to \$21,800. No portion of the appropriation of \$35,000 was returned to the treasury. Before the appropriation was made a government officer named Hester presented a bill to Gov. Scott of \$18,600 for the arrest and conviction of 93 persons under the act. Scott at first refused to pay the bill, but on an *illegal* opinion from Attorney-General Chamberlain that the money might be paid out of the "Armed Force Fund," Scott gave Hester \$9,000.

#### THE PHOSPHATE STEAL.

The natural resources of South Carolina were laid under contribution by the

Republicans to filch money from the people. The phosphates were a source of wealth belonging to the farming interests of the state, and which should have been jealously guarded for the benefit of the agricultural population. The Ring formed a Marine and River Phosphate Company. A bill was prepared entitled: "An act to grant to certain persons therein named, and their associates, the right to dig and mine in the beds of the navigable streams and waters of South Carolina for phosphate rocks and phosphatic deposits." The bill was passed. R. R. Rivers, a member of the assembly, told the investigation committee how. He said:

Tim. Hurley made arrangements with myself and Rush, of Darlington, John Mead, Wade Perrin, Harry Daniels, and one or two others, at \$300 a vote for such members as voted for the charter. We were the committee of arrangements chosen to confirm the arrangements with Hurley. The way it happened was this: Hurley wanted to give some members \$50 and some \$100, and so on, and the members found it out and had a caucus, and appointed this committee. The committee met him and stated that they were authorized to state that if he did not pay them all equally they would not vote for the bill, and that he must also put the amount in an envelope, subject to the committee, where they agreed to make the deposit. Hurley agreed to it, and we selected Governor Moses, then Speaker of the House, to hold the money, and after Hurley agreed to meet the committee in the Speaker's room when the House was in session, and we did so, and Hurley brought the money, the committee counted it and sealed it up. After we did this we sent for the Speaker (the House was in session), and the Speaker came, and I handed him the envelope, and I asked him to put it in his safe until I called for it. No one told him what it was. He opened the safe and put it in there, and after the bill passed that evening I took the committee with me and asked the Speaker for the envelope that I gave him; he handed it to me, and the committee went off, and we divided it according to the agreement, and each man got his part. Hurley was not then a member of the House, but was a lobbyist. There was a Ring ahead of this. The committee paid about twenty-five members \$300 apiece. The other was of down-country members, and I turned in with the up-country members, and we found that with the Democratic vote we could defeat any measure of the down-country Republicans. They used to control matters, and gave us no showing until we found it out, and by our combining together we then had our showing, too. We didn't find out for some time that the down-country members were using us, and getting paid themselves for their own and our votes, and when we found it out we combined against it so as to secure our share of the pay as well as the others.

#### ORGANIZING THE MILITIA.

The Republicans of South Carolina wanted some money for election expenses prior to the election of 1870, and they concluded to organize the militia of the state. Local agents were employed in almost every county of the state to enroll, organize and inspect the state militia. It cost \$200,000 of the public funds to do this, and as the agents were generally candidates for office they succeeded in obtaining a valuable campaign fund in this manner. Rev. William Thomas, a member of the Ring, found time between sermons to organize Co. F, 4th Regiment, N. G. S. S. C., for which he demanded and was paid \$125. Mr. Thomas was elected to the legislature, and he figures prominently as a receiver of bribes from the state officials. State guards were organized and they drew full pay and rations until after the election. Contracts for the purchase of arms were made to the amount of \$180,750, and Speaker Moses testified he received a royalty of \$1 for each musket, or \$10,000 in all. The expenses of enrollment were \$100,000, and of equipment \$250,000, making a total of \$350,000 wasted in this manner.

#### ARMED FORCE AND CONSTABULARY.

In 1869 a joint resolution was passed by the legislature authorizing Gov. Scott to employ an armed force for the preservation of the peace. The state was apparently peaceful enough until election time, when scores of "constables" were marched into the close districts to make Republican campaign speeches and intimidate white voters. The "Armed Force" was used, not to preserve peace, but to carry elections for the party and intimidate and demoralize Democratic voters. There were appointed 151 deputy constables and 500 specials on full pay and mileage, to do duty just prior to and during the elections. These men made regular reports of the condition of the parties, attended political meetings and in many cases had themselves elected to legislative and county offices. Over twenty



horses and equipments were bought for the mounted men. When their term of service ended the horses were sold and the proceeds pocketed by the governor. The armed force fund was depleted on forged certificates, and the Republican candidates were elected to office.

#### THE PETTY PILFERING.

To enumerate all of the frauds perpetrated by the Republican Ring and to explain the scores of small schemes which were hatched by the conspirators to rob the taxpayers of the state would occupy the greater part of the Text Book. The Ring managed to secure something from almost every appropriation made. Members of the Committee of Ways and Means and Contingent Fund were bribed to recommend a large appropriation for the contingent fund. The funds of the state were used to pay the bribes, and state officials then robbed the contingent fund. Moses bought a newspaper from this fund. The treasurer of the state was authorized to borrow money for legislative expenses. Treasurer's notes were issued without money being borrowed or vouchers turned into the treasurer's office. Political tramps, broken down party hacks and prostitutes were paid from the transient sick and poor fund. On one occasion three warrants for \$5,000 each, issued originally for the penitentiary account, were returned by Hardy Solomons to F. J. Moses, then governor, there being no money in the treasury to pay the warrants. Ex-Governor Chamberlain consulted with Moses and informed him, as Moses swears, that he could get a loan on those warrants from the Receiver of the Bank of the State. Moses obtained \$7,000 on the warrants, gave Chamberlain \$1,000 and pocketed the balance. Money was paid to judges of the courts for favorable decisions in certain cases. Fraudulent claims were paid, and hundreds of honest claims were raised double and treble their original amounts. In the construction of a penitentiary the state was robbed of thousands of dollars. The legislature made extravagant appropriations, for doing which the members were paid. Frauds, perjuries, embezzlements and larcenies of the party in power covered every transaction and article, from the cradle of the infant to the coffin of the dead. The orphan children dependent upon the state for care were robbed and defrauded. The children fared poorly, but the grown orphans in the institution must have fared better, as the following list of some of the articles purchased will show:

Carpeting, laces, swiss, damask, ladies' linen handkerchiefs, kid gloves, corsets, ladies' collars, pique, tarletan, ribbon, vases, umbrellas, writing desks, satin, satinette, water-proof cloth, under-vests, ear-rings, needles, pocket books, toilet pin-cushions, walking canes, whips, sundries, which covered almost every article of woman's wear.

#### HARDY SOLOMONS' CLAIM.

The South Carolina Bank and Trust Company was a Republican institution. The principal members of the Ring, Chamberlain, Scott, Parker and others, were at the head of it. Hardy Solomons, a notorious character, who grew rich in furnishing the legislature with supplies, was president of the concern. In October, 1873, a bill was introduced in the legislature to pay claims of the bank amounting to \$125,000. Only \$103,865.71 were due the bank according to the schedule prepared by Solomons, but the other \$21,134.29 was thrown into the claim "just to dignify its proportions." At the time this fraudulent claim was presented the salaries of school teachers, judges of courts, county auditors and clerks of the different departments of the state government were unpaid, and \$200,000 of the appropriation for schools of the year previous remained unpaid. The Ring wanted more money, however. Their insatiable maws were never satisfied. The proceeds of their multifarious robberies were expended as soon as received. It was well understood that the time for a profitable failure of the bank had not

arrived. The payment of these claims would give the institution at least two years more of life. The members of the legislature had become experts in the art of bleeding the Ring of state officials by this time. Whenever a bill was introduced calculated to benefit the Ring, the legislators would not vote for it without being paid. Mr. Solomons was aware of this fact, and he wasted no time in talking. The cashier of the bank was instructed to open an account on his books for "legislative expenses." Negotiations were opened with the assembly. The bill was promptly passed, and Solomons divided \$81,105.34 among the members as a small return for their kindness. The bank suspended two years later with \$200,000 of state money and a large amount of school and county funds on deposit, with as worthless a lot of assets as ever were rendered in a court of insolvency. A special tax was levied to meet the claim presented by Solomons. Only a small portion of these claims were valid demands against the state, and these were in large measure abstracted from the bill and paid by the state treasurer out of other funds in order to give place to over \$20,000 of fraudulent pay certificates manufactured for the occasion, so that certain state officials might receive their share of "gratification."

#### THE PLUNDERERS DEPOSED.

A history of corruption, misrule and brigandage similar to that which prevailed in South Carolina might be written of the Republican carpet-bag administrations in every Southern state. The state of affairs in Louisiana was even worse than in South Carolina. The day of justice for these rogues at last arrived. It was long in coming. The Republican party maintained itself in power as long as a dollar could be stolen from the people. When the funds gave out speedy disruption followed. The people of those violated states in 1876, under the banner of Tilden and Hendricks, by a desperate effort, freed themselves from the yoke. The conspirators fled. They had spent the proceeds of their crimes with knavish extravagance, and the incarceration of their impecunious bodies in the jails of the state would only have been a further burden to the people. They were allowed to go unpunished, merely being required to testify to the record of their own perjuries, frauds and robberies as a monument of everlasting shame to the American people and a warning to future generations. The states were glad to be well rid of them. With the coming into power of the Democrats honesty succeeded dishonesty, economy deposed extravagance. The people set about paying their debts. In every instance but one the commonwealths undertook to pay the obligations created by these mercenaries. Efforts to compromise were made, but in no case, with the single exception of Louisiana, did the state repudiate its debt or any portion of it. What temptation to repudiation there must have been one can imagine by perusing the record above printed.



## PLUNDERING THE SOUTH.

### WHAT RADICAL MISRULE HAS COST THE PEOPLE OF ELEVEN STATES.

One of the darkest chapters in the history of Republican misrule is that description of the plundering of the Southern states by carpet-bag governments.

The history of the outrages committed in the name of law—of the crimes committed without color of law—are familiar to the American people. The effect of this robbery of the Southern states have been keenly felt at the North. The impaired credit of one section of the country has retarded the prosperity of the other sections.

The statements given below are compiled from the report of the Joint Committee of both Houses of Congress, appointed March 20, 1871, to investigate the condition of the Southern states. It shows, 1st, the debt of these states in 1865 and 1871-2; 2d, the prospective and contingent debt.

#### ALABAMA.

##### ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$6,221,186
In 1872.....	9,306,781
Increase under carpet-bag rule.....	\$3,085,595

##### CONTINGENT AND PROSPECTIVE DEBT.

This debt represents the indorsement by the state of the bonds of railroads, the bulk of which are in default, and many of them worthless. It had reached in 1872 the sum of.....

\$29,620,000

Total debt and contingent liabilities in 1872.....

\$32,705,595

Total increase under carpet-bag rule, \$26,484,409.

In 1837 Alabama's debt was \$15,400,000 and reduced to \$3,445,000 in 1860.

#### ARKANSAS.

##### ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$4,527,879
In 1871.....	5,361,265
Increase under carpet-bag rule.....	\$833,386

##### PROSPECTIVE AND CONTINGENT DEBT.

This debt consists of liabilities assumed by the state in guaranteeing the payment of railroad and levee bonds, and amounted in 1871 to.....

\$14,390,000

Total debt and contingent liabilities in 1871.....

19,751,265

Total increase under carpet-bag rule, \$15,223,386.

## FLORIDA.

## ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$1,370,617
In 1872.....	2,556,072
Increase under carpet-bag rule.....	\$1,185,455

## CONTINGENT AND PROSPECTIVE DEBT.

The state has become responsible for the bonds of several railroads amounting in 1872 to.....	\$14,000,000
The total debt, actual and contingent, is, therefore, in 1872.....	\$16,556,072
Being an increase under carpet-bag rule of \$15,185,455.	

## GEORGIA.

## ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$5,706,500
In 1872.....	8,618,750
Increase under carpet-bag rule.....	\$2,912,250

## CONTINGENT AND PROSPECTIVE DEBT.

This debt is for liabilities assumed in indorsing the bonds of railroads, and amounted, in 1872, in round figures to.....	\$30,000,000
The total debt, actual and contingent, in 1872, was.....	38,618,750
Increase under the carpet-bag government, \$32,912,250.	

Formerly Georgia was not only the wealthiest and most prosperous of the Southern states, but was almost free from *both debt*, and lightly taxed. The earnings of a railroad which she owned were alone nearly sufficient to meet the annual expenses of the state government. This railroad was sold by a carpet-bag governor and a corrupt legislature for a mere song.

## LOUISIANA.

## ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$13,357,999
In 1872.....	29,619,473
Increase under carpet-bag rule.....	\$16,261,474

## CONTINGENT AND PROSPECTIVE DEBT.

This debt consists of bonds indorsed by the state to assist miscellaneous, so-called, internal improvements, railroads, levees, canals, etc., etc., and in 1872 amounted to.....	\$12,245,000
Total debt and contingent liabilities in 1879.....	\$41,864,473
Total increase under carpet-bag rule \$28,506,474.	

## MISSISSIPPI.

## ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$919,767
In 1871.....	2,284,216
Increase under carpet-bag rule.....	\$1,364,449

In 1860 the cost of conducting the state government was only \$438,000, and in 1870, \$942,000.

The public printing before the war cost \$10,000. This work in 1872 cost \$127,000.

*In 1874, the rate of taxation reached \$30 per 1,000 in several of the larger counties.*



## NORTH CAROLINA.

## DEBT AND LIABILITIES.

In 1868.....	\$15,779,945
In 1872.....	34,887,467
Increase under carpet-bag rule.....	\$19,107,522

## SOUTH CAROLINA.

## ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$13,038,964
In 1871.....	15,768,306
Increase under carpet-bag rule.....	\$2,729,342

## CONTINGENT AND PROSPECTIVE DEBT.

This debt is for indorsing the bonds of railroads, and in 1871 was....	\$6,712,608
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Total actual and contingent debt.....

\$22,480,914

Total increase under carpet-bag administration, \$9,441,950.

## TENNESSEE.

## ACTUAL AND CONTINGENT.

In 1866.....	\$26,777,347
In 1872.....	32,054,476
Total increase carpet-baggers, \$5,277,129.	

## TEXAS.

## ACTUAL AND ADJUSTED DEBT.

In 1865.....	\$328,866
In 1871.....	1,454,887
Increase under carpet-bag rule.....	\$1,126,021

## CONTINGENT AND PROSPECTIVE DEBT.

The state has incurred prospective and contingent liabilities by guaranteeing the bonds of the Southern Pacific and International Railroads, to an extent estimated in 1872 at.....	\$11,500,000
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Total contingent and prospective debt.....	\$12,954,887
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Total increase under the carpet-baggers, \$12,626,021.

## VIRGINIA.

In 1865.....	\$41,061,316
In 1871.....	47,390,839

Increase under carpet-bag rule.....	\$6,329,523
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## RECAPITULATION.

## TOTAL INCREASE UNDER CARPET-BAG GOVERNMENT.

Alabama.....	\$26,484,409
Arkansas.....	15,223,386
Florida.....	15,185,455
Georgia.....	32,912,250
Louisiana.....	28,506,474
Mississippi.....	1,364,449
North Carolina.....	19,107,522
South Carolina.....	9,441,950
Tennessee.....	5,227,129
Texas.....	12,629,021
Virginia.....	6,329,523

GRAND TOTAL INCREASE IN THE ELEVEN SOUTHERN STATES.... \$172,411,568

## THE POSTAL FRAUDS.

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During the long years of Republican administration, every department of the government has grown corrupt. The mismanagement, maladministration, profligacy and corruption of the Post-office Department is, and has been, if possible, worse than that of any other department of the public service. It was thoroughly investigated in 1875, by the Committee on Post-offices and Post-roads of the House of Representatives of the Forty-fourth Congress. That investigation disclosed not only suspicious acts on the part of the heads of the department, but proof of the dishonesty and corrupt practices of the subordinate officials was found. It was shown beyond the shadow of doubt that a ring of contractors for what is known as the Star Route mail service controlled the department during the administrations of Postmaster-Generals Creswell, Jewell and Tyner. It was proved that another ring manipulated the railroad mail service, and still another grew rich at the expense of the government by the steamboat mail service.

The investigation by the Committee of Appropriations of the House at the last session of Congress established the fact that in the Star Route mail service the same ring of contractors, with individual changes it is true, but by the old methods, has and does control the Post-office Department to-day. The administration of that department by Postmaster-General Key and his subordinates is no improvement on that of Postmaster-General Creswell. And why should it be? Practically, the subordinate officials are the same to-day that they were then. There have been in the last twelve years, it is true, three second assistant postmaster-generals, who have presided over and controlled the contract office—the important branch of the postal service. Two of these retired from office rich; they entered their offices poor. The third, and the present occupant, General Brady, began his career like his predecessors, poverty-stricken, and now his friends boast that he is worth a half million dollars.

Second Assistant Postmaster-General Giles A. Smith, Creswell's first chief of the contract office, not only grew rich himself in a few years, but his brother, Morgan S. Smith, who blackmailed the contractors and divided the profits, grew rich also. He lived in regal style in Washington, and entertained like a Russian prince. General Routh, who succeeded Giles A. Smith, after a few years' service was made governor of Colorado Territory, and is now a millionaire. Clerks who held offices under these men at salaries not exceeding \$2,000 a year, are now Star Route contractors, with profits of \$20,000 and \$50,000 a year.

The First Assistant Postmaster-General, James A. Tyner, who was Postmaster-General after the forced retirement of Marshall Jewell from Grant's Cabinet, and who accepted his present position under Key when the fraudulent administration began, lives at the rate of \$10,000 a year on a salary of \$5,000 per annum. He keeps fast horses and dabbles in mining and other stocks.



The investigation of the Forty-fourth Congress established—

*First.* Service was improvidently and inconsiderately granted where no public demand existed or public convenience accrued.

*Second.* Exorbitant prices were allowed for services when needed, and for the work when done.

*Third.* Services, when not rendered according to the contract, either in spirit or measure, were nevertheless fully paid for.

*Fourth.* When fraud was detected on the part of contractors, no adequate action was taken by officials to either punish or correct the fraud.

*Fifth.* When official dereliction, or corruption, or remissness was discovered, the department took no sufficient measures to punish delinquents, or to prevent a recurrence of similar official wrong-doing; so that the government lost annually, in violation of law and through corrupt practices, millions of the public money, and the guilty parties in office and out of office have generally gone free, both of prosecution and punishment.

#### STRAW BIDS.

The most flagrant abuse which has ever been fastened upon the Post-office Department is that which is described by the popular designation of *straw bids*, a species of organized knavery utterly unknown in our history before the postal administration of Mr. Creswell. A straw bid is the offer of a person to render under given conditions service which he does not intend to render. In most cases it is the bid of an irresponsible person at a figure below the necessary first cost of the service to be performed. It is a false pretense, its immediate object being to obtain the award as a means of preventing the contract from falling into the hands of a responsible party who has bid in good faith. The names of stage drivers and other insolvent intermediates have commonly been used for this purpose. Contractors, in order to defeat the efforts of the department in obtaining a contract on fair and reasonable terms for transporting the mails, form a ring of many bidders, whose bids range from exorbitantly high figures to manifestly small amounts. The contract is awarded to the lowest bidder, who fails, in the interest of the ring; then every next lower bidder retires or refuses to answer when notified, leaving the department the alternative between some bidder higher up the list, or a continuance of the old contract in the nature of temporary services, the temporary services always being performed by the old contractor, at the old exorbitant prices, because no one else on the long mountain routes in the territories will be prepared to commence immediately temporary service. Where there are bidders who do not belong to the ring, these, in many instances, receive large sums to refuse to answer to the bids when notified that the lowest bidder has failed to execute the contract. The contractor or confederated contractors by this means virtually control the contract, and force the department to let to them on their own terms. Again, in many instances of the recent practice, the Postmaster-General has exercised a suspiciously convenient and absolute discretion, and overlooking altogether the bidders in an ascending scale, declared a temporary service, to the advantage of some favored recipient.

#### THE MODUS OPERANDI.

In operating this system for the purposes of plunder and corruption, there appears from the testimony to have been a combination of rings:

First, a ring of contractors.

Second, a ring of officials, embracing clerks in the contract office; and sometimes an intermediary ring of brokers or agents, by which the two former com-

binations were brought in contact and enabled to effect and perfect their schemes against the public treasury. That many clerks in the department were in the pay of some of these contractors was fully developed in the trial of Hinds, and the circumstances surrounding that case force belief that this corrupt combination between those clerks and contractors pervaded all the usually denominated ring-contracts to such an extent that the contractor was enabled, from information gained through the clerk who had official access to the records, to know positively who was the lowest bidder, making it easy to underbid him for the contract. As examples of the range in the graduated scale where straw-bidding has been practiced, routes 7,587 and 8,539 may be adduced; in the former, from Fort Gibson to Sherman, 205 miles and back, three times a week, the highest among sixty bidders was \$80,049 per annum, and the lowest (straw) \$900; and in the latter, from Fort Concho to El Paso, Texas, 475 miles and back, twice a week, the highest bid, of over fifty bidders, was \$150,000, and the lowest, \$75. In the last instance, the minimum bid was summarily set aside by the Postmaster-General as too preposterous to be entertained, and a straw bid of \$4,200 accepted, although it was equally obvious that it was inadequate to a just, or any performance whatever, of the service; and Mr. Creswell had the hardihood to vindicate himself from the charge of failing to exercise a wholesome discretion in rejecting all plainly fraudulent bids, by pleading the letter of the law in its rigor and asserting the illegality of his own act in refusing to consider this very El Paso bid.

#### CORRUPT OUTGROWTHS.

One of the peculiarities of this system of contract roguery is its tendency to corrupt outgrowths. The award is made to the straw man, and ample time allowed ostensibly to execute the stipulations, but, in reality, to admit of ring handling. Each of the bidders above him and under the first ring bid is approached by one of the ring, who says in substance: "Here are a thousand (or more) dollars for you, if you will withdraw your bid. Even if you allow it to remain you cannot get the contract, for it is already awarded to one of my men, and he will hold it unless you get out of the way. As the case stands you won't make a dollar, while the effect of your withdrawal would be advantageous to both of us; it would put this money in your pocket, and enable me to get a more profitable contract." The bid is withdrawn and the money paid. When all below the first ring bidder are disposed of, the route is awarded to him, the straw man having notified the department that he will not execute the contract. The ring bidder, in like manner, delays until those above him are purchased out of the way, when he in turn fails to execute the contract, and so on up the list. If a hitch in this process compels the ring to take a route at a low rate, they may still depend upon an order from the Postmaster-General increasing or expediting the service. When the object has been by means of straw bidding to secure an order for temporary service, and a re-advertising of the route, the old contractor has allowed the use of his stock for the month's running necessary to save from forfeit the percentage check on the bid deposited with the department. Finally, this business of straw bidding culminated in regular corruption pay for the clerks in the contract sections; the abstraction, for perusal in midnight councils of the ring, of legitimate bids supposed to be properly and securely filed; the forging of names upon bids put in, and in counterfeit authenticating seals.

#### WHO IS RESPONSIBLE ?

For these sustained depredations upon the treasury, and the perversion of clerical morals, Postmaster-General Creswell must be regarded as eminently responsible.



There is, indeed, reasonable room for grave suspicion of his complicity; but even if it be clearly established that he derived no pecuniary profits from these frauds, it cannot be denied that he knowingly and consciously suffered them to exist from motives of either personal or partisan consideration. To this end he solicited and obtained strained constructions of obsolete law in disregard of the more recent statute; to this end he violated habitually the clear and conservative provisions of specific law. *That*, at least, was before him for his guidance; nor can it be successfully alleged that he was in ignorance of the situation and of its particulars, with a departmental force so organized as to grasp and expose them, with special reports before him, in view of the notoriety which obtains from a well-founded public clamor, and in the face of his own official confession of the reality of the evil, and a pretended desire for its excision.

#### THE CASE OF PETERSON.

The case of Peterson, who sustained an equally unenviable relation to the Creswell regime as that of the Cattells to another department of the government, is singularly illustrative and instructive. This man, who had been a brigade surgeon under General Giles A. Smith, commenced his career as a contractor upon the appointment of that gentleman to the second assistant postmaster-generalship. His rise as an influence in the postal affairs of the Southwest was rapid and remarkable. In the language of the facetious Captain Leathers, one of the witnesses, he became "a big man in Washington," "a man to tie to," and "always knew how to sound the gong." The innermost portals of the post-office opened at his approach; his solicitations never fell unheeded upon the official ear; he was never chided for tardy settlements, nor inopportunately investigated for defective service; and when, in the course of a perfunctory routine, fines and deductions fell to his share as the holder of many contracts, they vanished magically before his protest. However arid it was with other men, the fleece of this Gideon was always wet. His gains were counted in the bar-rooms of Washington, and his power was marveled at by the steamboat men of the Mississippi. A great deal of the testimony relates to the fortunes of this prosperous gentleman, who appears upon the stage in several characters, but is always easily to be identified. Notwithstanding the number and extent of his river contracts, Doctor Peterson was certainly not the captain of a steamboat, does not appear to have ever owned even a portion of a steamboat, and if credence is to be given to the conviction of the veteran Leathers, did not even own "a wheelbarrow." But it is incontestable that in a certain sense he owned both the Postmaster and Second Assistant Postmaster-Generals.

#### PETERSON'S METHODS.

Peterson's method was to procure contracts upon his merits as an individual and a fellow-campaigner with General Smith, and then sub-let them to more ordinary mortals, who were content with the fair results of vulgar industry. As one illustration among many, the testimony shows that John A. Scudder, the owner of a steamboat, put in a bid to carry the mail from White River to Vicksburg. The lowest bidder having failed, Scudder became eligible, and was prepared to carry it out in good faith according to the conditions of his bid. He received no notice, as was supposed to be the custom under the regulations, and the contract was awarded to Peterson at much higher figures. Scudder's bid was \$7,000. Peterson sub-let to Scudder at \$10,000, giving Scudder \$3,000 more than he bid to do the work for. All these contracts for carrying the mail upon the Mississippi and its tributaries, it will be remarked, were taken by Peterson in his own name,

and were, therefore, in direct contravention of that section of the postal laws, which, as he was neither owner nor master of any vessel plying upon those waters, disqualified him in terms from becoming a contractor. Several of the profitable routes thus lavished upon Peterson by his friend Smith, who had charge officially of these contracts, were indisputably superfluous; and the mails of several routes were commonly carried upon the same line of boats under the agreement of a single sub-letting. The work, too, was often very improperly performed, some localities which by the contract should have been served semi or tri-weekly, getting not a single mail in periods of twelve to eighteen days, to the serious delay and derangement of business, and the confusion of social intercourse. But Peterson was too securely entrenched to be dislodged by the protests of angered communities, or seriously disturbed by the reports of special agents.

#### PETERSON'S INFLUENCE.

The evidence concerning Peterson and his intimate relations with the high officials of the General Post-office, as well as with W. W. Belknap, the then Secretary of War, with Collector Casey and various Senators, as given by other witnesses before the committee, is always either inculpatory or suggestive. Is a hitch threatened in the usual remitting of Peterson's fines and deductions, or in the settlement of his accounts? There is forthwith a peremptory telegram from Senator West, or a visit from Casey. Is there danger to him of a discontinuance? Casey is presently at the front to remonstrate. Does a Congressional investigation expose the exorbitant plunder derived by him from a river sub-letting? A more remunerative land route is substituted in its place; while Chief Clerk French, who also drives a prosperous private stroke at life-insuring the contractors, which makes him thoughtful and conservative towards them, counts not among the least of the felicities of his table Peterson's present of a service of plate. What is singular about this ambitious and benevolent personage is that, notwithstanding the magnitude of his operations, he is several times presented as a perplexity to pursuing sheriffs, who are unable to find anything tangible about him in the way of assets but his *aliases*. Finally he disappears from the scene, but still holding five existing and unexpired contracts, not indeed in a halo of glory, but in a cloud of profanity at Willard's. He has been described here as a type of his class, and yet he has been very inadequately portrayed. There is an impotence in mere scientific analysis for such unique knaves that cannot reach the height of their deserving. Except for the probably less-favored advantages of opportunity, such as is Peterson's are also those of Sawyer and Draper, Barlow and Huntley.

#### BARLOW, SANDERSON & CO.

The history and experiences of the celebrated firm of Barlow, Sanderson & Co., as given to the committee by its senior partner, is neither less guileless nor less curious. Barlow is a resident of St. Albans, Vt., now a member of Congress; and Sanderson is a resident of St. Louis. The company appears to have been more or less fluctuating. The first-named gentleman was the definable quantity of the concern in the Washington transactions, and he speaks of his sorrows with an instructive mixture of reticence and candor. The associates were of the straw-bid ring, holding and operating mail contracts in Kansas, Colorado, New Mexico and Arizona; they had abundant capital, and always had stock for carrying the service on these remote territorial routes. Sometimes a cashier was set up as the straw-bidder; sometimes a lady relative. At the end of the quarter there would be a declared failure of this bidder; the contract was thrown up, the certified checks with the department having been returned,



and the Postmaster-General was compelled to employ the firm which alone possessed facilities for transportation. For so extended a business as theirs, there was probably never so little bookkeeping as by the firm of Barlow, Sanderson & Co. Their papers were of a fugitive and perishable constitution, and, when preserved, were commonly kept in a cellar or a boot-box. Accounts were rendered in gross. Transactions aggregating hundreds of thousands of dollars could only be gathered from loose sheets. Their affairs largely depended upon a class of agreements that were never reduced to writing at all.

## NO RECEIPTS.

Twenty, thirty, fifty thousand dollars were paid away to various serviceable individuals at Washington without any recorded acknowledgment or remaining sign, except in the feeble and fallible memory of Mr. Barlow, who, when speaking of the results, innocently expresses it as "a good deal like scattering seed;" an application of the parable which Satan himself might have envied. Repeatedly, when the particular in question is the expenditure of a large sum at a most anxious crisis of his affairs, he is utterly unable to recall either the amount, or the names of the persons to whom it was paid. Enough, however, is produced to indicate the character and proportions of that which is concealed. Two different sets of men were the recipients of the bounty of this firm—the relatives and friends of high officials in the department, and the department lawyers, for their influence and vigilance, and outside Assyrians, who would come down like the wolf on the fold, with the menaces and machinery of investigation and demands for blackmail. To emasculate the investigation of the Republican committee of the then Republican House, Barlow admits to have paid, through one Farrar, between forty and fifty thousand dollars. It is obvious that so large a sum would not have been squandered in obscure and influential quarters. This contractor testifies to having paid Hood, a lawyer, not for professional services, but for "influence with the department," over twenty-five thousand dollars. Earle was Creswell's law partner at Elkton, and First Assistant Postmaster-General until he resigned for the opportunity of this peculiar and profitable species of practice—one of those promoters of Chörpenning whom Senator Morrill, of Vermont, declared "should have their day in court." Mr. Earle was handed \$100, \$500, \$1,000, in the language of Barlow, "any time I was a mind to," as undefined but current compensation for "aid" and "protection" in the department.

## CORRUPT USE OF MONEY.

Q. Did you ever make any presents? A. Oh, now, since it occurs to me, I did let General Morgan L. Smith have money; he was the brother of Mr. Giles A. Smith.

Q. Is he dead? A. Yes, sir, he is.

Q. How much money did you pay him? A. I do not know whether you call it payments or not. I never called it payments at all.

Q. What did you give him? A. I could not tell you how much I did give him; I gave him money, loaned it or gave it to him—it is all the same thing—when he asked me for it; not at regular times, but when he wanted it.

Q. What did he want it for? A. I suppose he wanted it to pay his expenses; he was a pretty expensive man.

Q. Can you not remember the amounts? A. I let him have a considerable amount at one time and another.

Q. What do you call considerable? A. I don't know; I don't know how much I did let him have.

Q. As much as \$30,000? A. I should think not; nor \$20,000. I let him have considerable, one time and another; I don't know how much.

Q. What was the object in letting him have that money? A. Well, I don't think there was much object in it any way; I never thought there was.

Q. You gave it to him whenever he wanted it? A. Yes, sir.

Q. At the time you gave it to him who was Second Assistant Postmaster-General. A. His brother was; but I never thought that it had a particle of influence; I never gave it to him to influence his brother, and never thought that it did influence him in any other way than that he would think I was a clever fellow; that is all.

Very naturally Mr. Barlow's great expenditures for interest and protection within the Post-office Department were much more cheerfully made than his payments of levies to the outside raiders who from time to time were threatening mischief to his contracts. Although his memory is usually defective when questioned concerning the details of his transactions with these last, the same cannot be said of his temper when he has occasion to refer to them, where they are either "devils" to be suppressed or "hounds" to be kept in leash. It was not investigation Mr. Barlow, if he is to be believed, feared in the least, only personal annoyance and a jeoparding of the character of his good friends Creswell and Smith.

#### POSTMASTER-GENERAL CRESWELL'S LITTLE GAME.

And just here may be profitably recalled, by way of contrast to the honest and thorough exposures made in the report of the committee of the present Democratic House, from which we are taking these particulars of the gross mismanagement of postal affairs under the administration of President Grant, the scandalous suppressions and perversions which characterize the report of the Republican majority in the investigation of 1872. That investigation was compelled by a severe and specific article published in the *Washington Patriot*. Postmaster-General Creswell was arraigned for malfeasance, among other charges, in awarding a contract for the Oroville and Portland route in direct violation of law, at a private letting and without advertisement. The route at first had been advertised and should have been awarded to the lowest bid of \$96,000 per annum. Creswell accepted an illegal but lower bid upon a pretense of economy. This bidder failed to transport, and the department procured temporary service at \$700 a day. Again the service was let at figures far in excess of the rejected bid. Another failure of service ensued, and the department again secured temporary service at \$420 per diem. Then the contract was given without advertisement to Barlow and Sanderson at \$142,000 per annum. The illegal, if not the corrupt character of this transaction is too apparent to be insisted upon. Even Assistant Postmaster-General Giles A. Smith testified that he knew of no authority of law for making this contract as it was made, for the full term. Attorney-General Ackerman gave it as his opinion that the proceeding was altogether contrary to law. And now appears an important use in the disposition of the money heretofore referred to as paid to Farrar. These fifty thousand dollars were adroitly employed to divert the investigation of the House committee from Barlow to Sawyer, another notorious and peccant straw-bid contractor, who refused "to bleed." No evidence whatever was sought or taken as to the specific charges affecting Barlow, and Creswell was not only acquitted but extolled by the Republican majority of the committee as an upright and vituperated public functionary. It will be thought that such a contrast as is here presented of the records of the Republican and the Democratic House should abash the utmost effrontery of cavil.

#### LAVISH USE OF MONEY.

So also concerning the practice of lavishly and systematically paying corruption money, which has obtained at Washington during the Republican administration, to influence the operations of the Post-office Department, there is significant testimony pertinent to Sawyer, whose routes were in Texas. A portion of the evidence of George W. Paschal is as follows:

Q. State to the committee whether, in your examination of Mr. Sawyer's papers, you found any other papers, drafts or memorandum books that were not before the committee when you were last examined? [The witness produced a memorandum book.] A. This memorandum book was handed to me by Mr. Taylor. Mr. Taylor, in looking over the books, happened to take it up and brought it to me. It shows some of the running expenses, traveling expenses and other things.



Q. Is that Mr. Sawyer's handwriting? A. Yes, sir; they are rough notes of running accounts which he kept. I see here "November," which seems to be November, 1872. Judging by the dates, I should say that in the past June this entry was made: "Paid attorneys, mails, \$10,000." On the same page, which would carry it into the next year, 25th February, for the same kind of services, "Attorneys, \$8,000." It is next to the last of the page, on the right-hand side. Then there is an entry here which is a blind account. It is as follows:

*Amount paid sharks on account of contract after 1st July.*

Wm. H. Farrar, paid by L.....	\$20,000
Captain Hinds, paid by L.....	7,500
Mrs. Stuart, paid by L.....	2,000
August, Paid Col. Bell.....	150
Wolverton.....	2,000
Phips.....	3,000
Williamson.....	2,000
Sept., D. A. F.....	2,000
Oct., B. & Co.....	2,000
Oct., Wm. H. Farrar.....	4,000

And again from the testimony of Francis C. Taylor:

COOKING UP ACCOUNTS.

Q. What amount of those expenses were not put upon the books? A. All the parties interested, I think, were in Austin, Texas, having a sort of general settlement, in November, 1872. I had been engaged for some time in trying to finish up the business between Ben. Ficklin and Sawyer for the administrator, and Sawyer came on there during the time. Slaughter Ficklin had been there all the time. Sawyer brought with him his account for some \$30,000 or \$40,000 paid Abbot for coaches, for which he took credit, and which was divided between the different divisions. There were four divisions of staging, and all the parties were there. Sawyer had accounts against my division, and, I think, against all the others. After having various accounts put on the books of the several divisions, Sawyer said, "Here I have an account," amounting to considerable, as well as I now remember, from \$50,000 to \$60,000—and said, "All the divisions will have to pay their proportion of this." It was a memorandum showing that amount.

Q. This November settlement or charging up of all the different accounts? A. Yes, sir.

Q. And the \$50,000 or \$60,000 that was there brought in without vouchers, and which had not previously been entered upon the books, is a separate and distinct item from \$200,000 that you said had been previously entered upon the books? A. Yes, sir; that amount of \$200,000 was on a settlement between Ben. Ficklin and Sawyer. This other amount of \$50,000 or \$60,000, I forget which, was for the year from July, 1871, to July, 1872, and was to be divided among the different firms then in existence; and as Sawyer said, when it was presented, "Here is an account of money that I have expended in Washington that must be divided among the different companies." I don't think Wright objected. I think Scott said a little, and Slaughter Ficklin said considerable, and intimated that such blackmailing operations should not be paid, or something of that kind.

Q. There were no names on the paper indicating to whom it had been paid? A. No, sir; I am satisfied of that. I remember that there were two items of \$10,000 or one of \$20,000, I am not positive which, and which Sawyer stated or admitted that he had paid to the same party.

A LOOSE SYSTEM.

For transportation of the mails the advertisement and contract specify a certain number of trips per week each way over the route. If at any time during the contract term it properly appears to the department, through petitions from the people and from reports of its agents, that additional mail facilities are required, the Postmaster-General is authorized by law to order an increase in the number of trips per week. Such an order carries with it a corresponding increase of pay. Where the contract calls for, say one trip a week, with compensation at \$10,000 per annum, if an additional trip be ordered, the pay is advanced to \$20,000; three trips would command \$30,000, and so on, a trip each day in the week enabling the contractor at this rate to draw \$70,000 per annum. It will be readily perceived what reaches of corruption are thus made possible on territorial routes traversing remote regions and subject to but limited observation.

In issuing the advertisements for postal services, proposals are invited for carrying the mail on a particular route, say, once a week. With the advertisement is published the following notice:

The Postmaster-General has no power under the law to release bidders and contractors, and their guarantors and sureties, from their liabilities, on the allegation of real or supposed mistakes of any kind in making proposals. He particularly requests that, before bidding, the fullest inquiry and investigation be made in regard to the route, distance, service, weight of mails, cost of stock, feed and all expenses, existing and likely to occur, during the contract term and with due consideration of the consequences imposed by law on delinquents.

HOW BONA FIDE BIDDERS ARE DISPOSED OF.

After this notice a *bona fide* bidder, in making his estimates, will assuredly al-

low margin for a fair profit, taking into account all the difficulties, expense and risks involved in the performance of the service. Having obtained the contract, established his stations along the route, and otherwise arranged for one trip per week, any order that he can procure for additional service, carrying with it *pro rata* increase of pay, gives him a great percentage of profit. It is matter of common information among people advised on the subject of postal contracts that the amount of stock ordinarily employed in transporting the mail once each way over a route is sufficient also for an additional trip. If any further expense is incurred, it is, in comparison to the pay received, so slight as hardly to merit attention.

We will suppose the route, probably a sparsely-peopled expanse of wilderness and mountain road, to have been procured by the favorite ring contractor. The preliminaries have been ostensibly observed—the guarantors have been certified to by Postmaster Edmunds, whose vocation it is to swear clairvoyantly to the circumstances of unknown people, and the signatures to the bonds have been attested by some complaisant Washington notary who can make a thousand dollars worth of realty indefinitely available by administering the oath in instalments, and the service is begun. Part of the route is coached, and on parts of it where there is no passenger travel, the “mails”—sometimes a mere pocketful of letters—are carried on horseback or on a buckboard. Presently—within a month or a week, it may be—interest having been previously made with the Postmaster-General, an increase of service is ordered, and the contractor’s pay doubled. In some instances, when the necessity for the route itself was altogether doubtful, it has been thus trebled. Penalties for default on the favorite contractor, when default is reported at all, in the shape of fines and deductions, are seldom visited; and when visited speedily remitted, except in perhaps a nominal sum for the sake of appearances, while the honest contractor is held to a rigorous accountability. The ring contractor’s accounts are marked “special,” and take precedence in settlement; while the required certificates of service from the postmasters at the termini are often forged in Washington and presented as from New Mexico or Colorado with the ink upon them scarcely dry. It was one of Peterson’s tricks to run the service regularly on long routes a few miles to and from each terminus, that he might spare the tender Republican consciences of the officials in making their reports, while he was neglecting the whole intermediate for weeks together. This prevalent, if not collusive, knavery under his predecessor, by which the treasury was inordinately plundered, was refused investigation by Postmaster-General Jewell, upon the principle so appropriately recognized, it may be supposed, by a military administration, that dead men should tell no tales.

#### GLARING FRAUDS.

The orders made by Postmaster-General Creswell within a single year for increase of service on route No. 43,127, considered in connection with the population of the country through which it runs, and the insignificant postal revenue derived from it, bear on their face the most glaring indications of fraud. The route referred to was that which was held by C. C. Huntley, of the Northwestern Stage Company, running from Walla-Walla, Washington territory, to Missoula, Montana territory, a distance of 450 miles. The pay on this route was increased to \$71,226 per annum. The intermediate stations, as entered upon the department records, are Waitsburgh, Tukannan, Union Flat, Colfax, Rosalia, Rock Creek, Pine Grove, Spokane Bridge, Horse Plains, St. Ignatius and Agency. Here is quite a suggestion of populous geography, but with one or two exceptions



the places are scarcely entitled to be called hamlets, while Walla-Walla itself, the largest of them all, is but a small settlement. So far as the report of the last census indicates, the sum of their population is a little over three thousand souls. But, to avoid cavil, we will take the population of the counties in which these places are supposed to be situated, which is 8,588. So the department pays out for postal facilities for each and every man, woman and child about the sum of nine dollars. Now the postal receipts from all the sixty-three routes of these two territories was at the time but \$44,112, or over \$27,000 less than was paid Huntley for running this almost superfluous route. But if it be contended that such a route is in the nature of necessity and the interests of civilization, we will pursue the inquiry a little further. Of the 3,341 inhabitants of the places before enumerated, 3,194 reside at or near the termini of the route, leaving only 147 as living along this barren reach of four hundred miles. Again, the above population was otherwise provided with mail facilities. Missoula had a mail outlet to civilization, and the Union Pacific Railroad, by a route running to Helena, Montana, over which postal communications was had three times a week. On the other hand, Walla taps the railroad seven times a week by the stage route, and it is in addition supplied with mails seven times a week from Portland, Oregon.

Huntley was the first contractor on this route, and his contract called for one trip per week, with pay at \$23,000 per annum. This service was increased to three trips, and for the fiscal year ending June 30, 1869, he received \$68,967.39. Owing to the persistent protests of postmasters, special agents and an officer of internal revenue, the number of trips was, about the close of 1869, reduced to one per week. But the complaints in behalf of honesty of these faithful public servants brought the axe to their necks. Huntley boasted of their dismissal.

On the 30th of September, 1869, advertisements were issued for service in the territories for four years, to commence July 1, 1870. As to the Walla-Walla route, proposals were invited for one trip per week, including side supply to Stevensville and Fort Owen. L. L. Blake was the accepted straw bidder at \$15,100, and contract was made with Huntley at \$22,900. Now, holding in view the history and character of this route—the fraud by which the route was established and the contracts obtained, the ridiculously few people to be supplied with postal facilities, the abundance of supply through other channels, the trifling revenue to be derived by the department, and the great preponderance of expenditures over receipts, all of which was fully proven to Mr. Creswell—observe his action immediately following the commencement of service under Huntley's renewed contract, which went into operation July 1, 1870.

#### HUNTLEY'S ALLOWANCE.

FIRST.—On that very day he made an extra allowance. In June, 1868, a post-office called Tukannan was established in Walla-Walla county, Washington territory, about ten miles off the main route, which at that time was numbered 15,422, and the salary of the postmaster there stationed was fixed at \$12 per annum. Up to the 30th of June, 1873, no change had been made in the salary of this officer, showing that little or no business was transacted by him for the department; and, moreover, the agent of the Census Bureau, if he happened to find the place, disregarded it, for there is no enumeration. Nevertheless, on the 1st day of July, 1870, Mr. Creswell made an order allowing Huntley \$2,130 for pretended supply of this office from June 17, 1868, to June 30, 1870, under his old contract.

SECOND.—Within the same month, to wit, on the 29th thereof, he issued an order for one additional trip a week on side supply from Missoula to Stevensville, forty miles, with additional allowance of \$2,022 per annum.

**THIRD.**—By the 23d of the following month Mr. Huntley had made interest with him for a yet greater favor ; for on that day was promulgated his order for service on side supply extended from Stevensville to Gird's Creek, forty-five miles, with additional allowance of \$4,550 per annum. The office of Gird's Creek was of so little importance that no person could be found to act as postmaster, and in the following December it was discontinued and has not been re-established ; and the astonishing fact is to be told that the additional pay of \$4,550 was, notwithstanding, continued until the end of the contract term, a period of three years and six months.

**FOURTH.**—Only four months later he presented Mr. Huntley with the equivalent of a large fortune in the shape of an order, dated Dec. 22, 1870, for two additional trips a week between Walla-Walla and Missoula, with an additional allowance of \$41,754 per annum !

#### HOW THE ADVERTISING OF ROUTES IS MANIPULATED.

In a general way, the manner and effect of "increasing the service"—a power vested in the Postmaster-General—has been explained ; and it will now be shown how the Ring has, by directing the preparation of advertisements in the department, opened the way for the exercise of that power in their interest.

For the purposes of the contract office, the states of the Union are grouped in four sections. The first comprises the New England and Middle states, Maryland and the Virginias ; the second the Carolinas, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio and Indiana ; the third, Illinois, Michigan, Wisconsin, Iowa and Missouri ; and the fourth all the remaining states and the territories. The contract term for each of these sections is four years, commencing with the fiscal period, but the regular lettings are separated by equal intervals of time.

There are seventeen corresponding or contract clerks, about equally distributed, each assigned to the business of a particular number of states belonging to his section. It is the duty of the contract clerk to keep a record of bids and awards ; to see that provision is made for supplying his post-offices with transportation ; to receive petitions for the establishment of new routes and for increase of service, and to examine as to the necessity for what is asked in the petitions ; to be familiar with the character of the country through which his routes pass, and to this end he is supplied with maps and all other necessary facilities ; to make up and submit cases to his superiors, and to prepare advertisements for proposals. These advertisements are published in a pamphlet, and arranged therein according to the numerical order of the routes. The offices on the route are given, as are also the distance, time of arrival and departure, and the number of trips per week. This last is the item which invites attention. It was the object of the Ring to have the number of trips on any given route reduced in the advertisement to one trip per week in order to ward off competition, well knowing that having once obtained the contract they could, by the mere scratch of Mr. Creswell's pen, have the service increased and the pay doubled or trebled.

Outside bidders, ignorant of the country and not in the secrets of the Ring, were not disposed to risk their capital under a contract for but one trip a week, except at a rate which carried them above competition with the Ring. But suppose an outside bidder should assume the risk and obtain the contract at one trip per week, then indeed would he feel the power of the monopoly. He would in vain attempt to procure an increase of service. The performance of his contract would be watched with the untiring vigilance of cupidity and malice, and he would be



subjected upon every pretext to fines and deductions. Reduced to a condition of despondency, he would be approached by an emissary of the Ring with a proposal to sell his contract, and this he would gladly accept. But such a contract is not assignable. This, however, is only an apparent difficulty, readily overcome by the execution of a power of attorney, which carries with it the control of route pay. All that remains to him is the percentage the Ring may consent to bestow. The bargain concluded, the department at once relaxes, and an increase of service is ordered for the account of the Ring.

Sometimes less service has been advertised for than was actually needed, and in such cases the public have suffered great inconvenience. This was done with a full knowledge by the department of existing necessities in the territorial lettings of 1869. The wants of the people, as was foreseen, compelled an almost immediate increase. Take, for example, route No. 7,587, from Fort Gibson, Ark., to Sherman, Texas, and the direct line of communication between St. Louis to that state. There was need of daily service, and of this fact the department was fully aware. Such, indeed, was the importance of the route that the Chamber of Commerce of St. Louis petitioned for that amount of service. Yet in the advertisement but three trips were called for. The award was made to a straw bidder at \$900, upon whose failure the petition of the Chamber of Commerce was granted, the service was increased to six trips a week, and a contract was made with F. P. Sawyer for the temporary service at \$34,296 per annum, the old rate of pay.

#### ANOTHER INVESTIGATION.

The investigation at the second session of the Forty-sixth Congress originated in this way: The Postmaster-General, in his annual report to Congress, made no allusion whatever to a possible deficiency for the Star Route mail service. At the time he wrote his report he knew that there must be for that fiscal year, 1879-80, a deficiency in that service for more than \$1,000,000. Congress had not been in session two weeks before Postmaster-General Key, enclosing a letter from his second assistant, Gen. Brady, sent a letter to the Senate and the House asking for an appropriation of \$2,000,000 to meet a deficiency in the Star mail service. Thereupon the House referred the letter to the Committee of Appropriations. That committee considered the matter, and unanimously agreed to ask the House for authority to inquire into the whole subject. That power was granted by the House without dissent.

The investigation began. Second Assistant Postmaster-General Brady was called upon to account for the money he had expended. The appropriation made by Congress for the Star Mail service for the fiscal year 1879-'80 was \$5,900,000—every dollar the department estimated would be required, and every dollar asked of Congress. He had spent the whole of this sum in the first three-quarters of the fiscal year. This had been done by increasing the pay of contractors. It was the old system. Contractors bid low for the service. The department had prepared the way for this, by advertising for service less frequently than it was required, and at a slower speed than the mails had been carried the previous contract term. Then the contractors having obtained the contracts at low bids, got up petitions along the routes asking for more frequent deliveries of the mails and quicker time. On these petitions the increased speed and additional deliveries were ordered.

#### SENATOR DORSEY'S RAKE.

To show how this business was managed we will instance one case. Senator Stephen W. Dorsey, while he was still in the United States Senate, entered into a

combination with his brother, John W. Dorsey, his brother-in-law, John M. Peck, and John R. Miner, to obtain as large a number of Star Mail contracts as possible. They employed an ex-post-office clerk named Redell, who was familiar with the routine of the business in the department. He prepared the bids, drew up the bonds, which must be signed by the bidders, with the amount of the bid inserted, and then some postmaster must certify that he is well acquainted with the bondsmen, that he saw them execute the bonds, and that he knows that they are good for the amount thereof. Senator Dorsey sent these bonds, without being signed by the bidders, without having the amount of the bids inserted, to the postmaster at Little Rock, Arkansas, a creature of his, who had them executed, with one or two sureties, and returned them to Dorsey at the Senate Chamber. The whole thing was a farce and fraud from the beginning. It was so proved before the Committee on Post-Offices and Post-Roads of the Forty-fifth Congress, in March, 1878. So complete was the proof that Mr. Cannon, a Republican member of the committee, insisted that the Postmaster-General should be notified of the facts, so that he might reject the fraudulent bids. The notice was given; Dorsey himself came before the committee and solemnly swore that he had no interest, and expected to have none, in any contracts which might be obtained on these bids. The Postmaster-General, Mr. Key, in spite of the notification he had received of the character of the bids made by Dorsey's Syndicate, accepted them and awarded more than 100 contracts to the members of the Ring. His excuse for doing this was that the government saved \$160,000 a year thereby, as compared with the price paid for carrying the mails on the same routes during the previous four years.

Within a month after Dorsey's time expired as Senator, on the 4th March, 1879—the contracts taking effect, June 30, 1879—he himself took sub-contracts in a large number of the most profitable of the routes the Syndicate had obtained. A sub-contractor means the one who actually performs the service. Dorsey did not perform the service. He sublet the routes to Barlow, Sanderson & Co., and other contractors. Now, what happened with these contracts which were to save the government \$160,000 a year? Before service began on many of them, and before any of them were six months old, they had been raised by Second Assistant Postmaster-General Brady, till they—the 100 and odd routes—cost the government \$553,000 a year more than the original contract called for. These contracts were for four years, so that this steal will amount to \$2,212,000!

#### TWELVE SAMPLE CONTRACTS.

To show how the government was swindled by allowances by Brady for additional service and increased speed, we append the following table, showing what twelve sample routes were originally let for, and what they were raised to:



State.	No. of Route.	Termini.	Length as let.	Present length.	No. of trips as let per week.	Present No. of trips per week.	Original pay.	Increase.	Present pay.
Indian Territory..	32024	Vinita, Las Vegas.....	Miles. 698	810	1	1	\$6,330 00	\$144,262 03	\$150,592 03
Dakota.....	35051	Bismarck, Fort Keogh.....	303	310	1	6	2,350 00	67,650 00	70,000 00
Texas...	31454	Fort Worth, Yuma.....	1,560	1,426	7	7	134,000 00	165,000 00	299,000 00
Montana.....	26107	Bozeman, Fort Keogh.....	326	361	3	7	10,500 00	68,766 81	85,266 81
Wyoming.....	37110	Rock Creek, Fort Custer.....	331	331	3	1	10,507 25	78,260 87	88,768 12
New Mexico.....	39109	Las Vegas, Las Cruces.....	442½	424	3	1	14,900 00	76,311 68	91,211 68
Arizona.....	40101	Prescott, Santa Fé.....	460	460	3	7	13,813 00	122,662 00	135,975 00
Do.....	40103	Prescott, Mohave City.....	190	190	2	1	7,440 00	59,519 99	66,959 99
Do.....	40116	Phoenix, Prescott.....	140	140	1	7	680 00	31,960 32	32,640 32
Oregon.....	44155	The Dalles, Baker City.....	275	275	2	7	8,288 00	64,232 00	72,520 00
California.....	46120	Soledad, New Hall.....	304	332	7	7	29,000 00	26,424 33	55,424 33
Do.....	46247	Redding, Alturas.....	179	179	2	6	5,968 00	29,940 00	33,928 00
							\$249,236 25	\$934,990 03	\$1,184,286 28

THOS. J. BRADY,  
Second Assistant Postmaster-General.

## CONTRACTOR SALISBURY'S INCREASE.

Here is another table showing how one contractor, Monroe Salisbury, had his contracts worked up by Brady. These include only those on which the increase amounted to more than \$5,000 a year :

THE POSTAL FRAUDS.

States.	Route.	Termini.	Distance.	Original contract price.	Increase.				For expedition of schedule.	
					For additional distance.		For additional trips.		Amount.	Date.
					Amount.	Date.	Amount.	Date.		
Nebraska....	34156	Sidney to Deadwood.....	298	\$9,775 00	.....	.....	\$4,250 00	Aug. 1, 1878	\$19,550 00	July 1, 1878
Dakota.....	35040	Fargo to Pembina.....	156	17,000 00	.....	.....	.....	Aug. 1, 1878	8,500 00	Aug. 1, 1878
Montana.....	36107	Bozeman to Fort Keogh.....	361	16,500 00	\$3,542 92	Jan. 25, 1879	48,723 89	Aug. 1, 1879	16,500 00	Dec. 16, 1878
	36115	Helena to Missoula.....	140	6,425 00	.....	.....	2,677 08	Jan. 1, 1879	9,637 50	Jan. 1, 1879
	36124	Watson to Deer Lodge.....	116	4,921 00	.....	.....	2,084 50	Jan. 1, 1879	7,586 00	Jan. 1, 1879
Colorado ....	38155	Antelope Springs to Silverton	60	2,840 00	.....	.....	{ 2,840 00	Aug. 1, 1878	5,680 00	Feb. 17, 1879
New Mexico .	39114	Fort Stanton to Fort Davis....	400	3,500 00	.....	.....	{ 7,000 00	July 1, 1879	21,000 00	July 1, 1879
	39116	Fort Bascom to Trinidad.....	185	1,760 00	428 10	Feb. 15, 1880	{ 3,520 00	July 15, 1879	10,560 00	July 15, 1879
Arizona.....	40103	Prescott to Mohave City .....	191	7,440 00	.....	.....	{ 38,262 85	Apr. 15, 1879	17,537 14	April 15, 1879
	40107	Wickenburg to Maricopa Wells	120	4,999 00	.....	.....	{ 1,999 60	Aug. 1, 1879	21,384 60	Feb. 17, 1879
Utah.....	41122	Richfield to Knob.....	150	2,380 00	.....	.....	{ 4,110 29	Oct. 16, 1878	7,170 00	Oct. 1, 1878
Idaho.....	42121	Eagle Rock to Salmon City...	165	4,750 00	.....	.....	{ 4,780 00	Sept. 1, 1879	4,750 00	Oct. 1, 1878
Nevada.....	45124	Eureka to Pioche.....	267	15,300 00	.....	.....	{ 12,666 66	Aug. 1, 1879	13,150 00	July 1, 1878
	45132	Wells to Hamilton.....	225	10,700 00	8,295 76	Feb. 1, 1879	{ 2,550 00	July 1, 1878	15,000 00	Aug. 1, 1879
California....	46120	Soledad to Newhall.....	304	29,000 00	.....	.....	{ 4,173 51	.....	21,750 00	Oct. 15, 1878
	46207	Susanville to Lake View, Oreg.	155	6,975 00	500 82	Mar. 17, 1879	{ 13,950 00	Aug. 15, 1879	6,975 00	Aug. 1, 1878
	46267	Willow Ranch to Reno, Nev....	215	3,425 00	.....	.....	{ 34,250 00	{ Aug. 1, 1878	10,275 00	Aug. 1, 1878
			3,508	147,700 00	16,941 11		{ 189,278 20	{ Aug. 15, 1879		
									217 005 24	

Total increase per year on 17 routes.....\$423,224 55  
For four years.....1,672,898 20



In addition to these Salisbury had 58 contracts, and his total increase on the whole 75 was more than \$1,000,000 a year or \$4,000,000 for four years.

#### GENERAL BRADY'S IMPOTENT DEFENCE.

The following is the way General Brady excused himself for his acts. The questions were put by General Hawley of Connecticut, one of the Republican members of the committee :

By Mr. Hawley : These contracts, if carried out, will make a deficiency. Were they in any proper sense authorized by law ? A. It was entirely within the discretion of the postmaster-general to do all that he has done.

Q. Was there an appropriation (considered in the language of the statute) adequate to the fulfillment of those contracts ? A. There was up to a certain time.

Q. My question admits of an answer, yes or no. Was there an appropriation (considered in the language of the statute) adequate to the fulfillment of those contracts as they stand to-day ? A. I answer again that the appropriation was adequate up to a certain time.

Q. And that is as nearly as you can answer ? A. What that time is, we may get at by the slate.

Q. These contracts not being in existence when the appropriation of \$5,900,000 was made, could they have been contemplated at that time ? That question, however, answers itself. They could not be. How do you meet section 3679 of the Revised Statutes, which provides that you shall not expend in excess of appropriations ? A. I meet it by saying that we have not yet expended in excess of the appropriation, and do not propose to do so. We propose to bring ourselves within that statute.

Q. How do you meet that section of the statute which says that you shall not involve the government in contracts for future payments in excess of the appropriation ? A. My former reply answers that.

Q. That is to say, that you have a right to kill the contracts so as to keep within the appropriation, is that it ? A. Yes.

Q. But you say in your statement that the expenditures for the present fiscal year up to the first of January is \$3,600,000. A. Yes ; about that.

Q. Is that the rate at present ? In other words, are you going at the rate of \$7,600,000 a year or have you increased the service so that for the next six months the expenditure would be more than \$3,800,000 ? A. No ; I think not.

Q. You have but \$2,100,000 left for contracts that call for \$3,800,000. Is that true ? A. I presume it is ; I have not figured it.

Q. If you have now expended \$3,800,000 out of the \$5,900,000, there is but \$2,100,000 left ! A. Something in that neighborhood.

Q. There is, then, \$2,100,000 left for contracts, that call for \$3,800,000. That is a little over one-half. Must you not, then (to say nothing about the month's extra pay), stop all the Star routes absolutely, about the first of April, in order to keep within your appropriation ? A. I had calculated that we could run the service exactly as it is until about the middle of April.

Q. I calculate that it will take you to about the 10th of April, but I understand that you are bound for a month's extra pay in case you stop the contracts ? A. Yes.

Q. So that you have got to stop absolutely about the 10th of March every single Star route within the United States in order to keep within the appropriation authorized by law. Is not that mathematically correct ? A. It is very near correct, I judge. The postmaster-general was figuring on it the other day, and as the result of his figuring he gave me an order to commence a reduction on a large number of routes, to take effect immediately. I told him that I did not think that that would be good policy, as I thought that Congress was going to give us the money.

Q. Then, approximately, on the 10th of March the service on every Star route in the country must stop. You stated that failure to keep up the service would be disastrous to the contractors. Did they know that they took their contracts under the risk of an entire suspension ? A. No, sir ; they knew nothing about the internal management of the office in that respect.

## POST-OFFICE DEPARTMENT.

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### PETIT LARCENY.

Petty steals in the departments have given the Democratic Congress great trouble. Amounts ranging from five hundred dollars to twenty and thirty thousand dollars have been smuggled into the estimates sent to Congress. They are so covered up in ostensible necessities that it is hard to discover them. In last year's appropriation an item of *twenty thousand dollars* in the Post-Office Department estimates was found to be of the character referred to. The House Committee on Appropriations notified Postmaster-General Key that there would be no further use in sending in the request for this particular amount.

Eight years ago the Post-Office Department began the payment of \$20,000 annually for the publication of the official Post-Office Guide. There is no record of its having been given out by bid and contract. All that appears is an appropriation of this amount to be paid to the Boston publishing firm of H. O. Houghton & Co. for the publication of the Guide. When the Democrats came into power the request was changed by omitting the name of the publishing firm, making it appear that the department was publishing the Guide. When the true nature of the transaction was learned, the present Postmaster-General was warned that thereafter no appropriation would be made for the purpose. Mr. Key said in explanation that it was a matter he found in the department when he came in, and he begged as a personal favor to have the appropriation made. The official Post-Office Guide is a book known to every one. Its sale reaches into hundreds of thousands of copies annually. It is corrected about every three months. The corrections consist of the mere insertion of new post-offices and the names of the new postmasters. All this data is furnished to the publishers by the department, thus relieving them of all the trouble save the mere changing of the names. This being accomplished a new edition is brought out and sold at 50 cents a copy. The profits on the book are thus made enormous. The \$20,000 a year is given as a bounty to the publishers. The pretense upon which this money has been handed over is that it is in payment for copies furnished the department.

There are many publishing firms who would not only furnish the department with its copies gratis, but would pay the department \$20,000 a year for the privilege of publishing and selling the Guide ; which is made official by the signature of the Postmaster-General.



## GOVERNMENT PRINTING FRAUDS.

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The Government Printing Office was established in 1860. Immediately before that the public printing had been done by contract, and had been done so well and honestly that its continuance was advocated by the ablest men in both Houses of Congress, and by Senators Cameron and Hamlin, then the only practical printers in the Senate. The scheme of establishing a public printing office was advocated chiefly by those who expected to profit by such an institution. Chief among these was Cornelius Wendell, the owner of the establishment which the government bought at an enormous price. Wendell was doing the printing for Congress, was financially embarrassed, and was suspected of being guilty of frauds.

The Committees on Printing of the two Houses had many conferences on the subject, and listened to the testimony of many expert witnesses as to the feasibility of establishing a government printing office. All whose opinions were worth anything expressed adverse opinions, Mr. Rives saying that the printing would cost from fifty to one hundred per cent. more if it was done by the government itself. Those who recommended the plan were Wendell (who owned the building in which the printing office is located), English, Larcomb, Powers, and Defrees, the present public printer. The other three were clerks of Wendell. The plan was adopted, notwithstanding the character of the opposition, and the superintendent of public printing was authorized to contract for the erection of a government printing office by joint resolution of June 30th, 1860. The office of Congressional Printer was established February 22d, 1867. John D. Defrees was the first printer, A. M. Clapp the second, and now Defrees is at the head again.

In 1873 the *Congressional Globe* was discontinued and the *Congressional Record* established. The former had been printed by Mr. Rives, the latter is printed at the Government Printing Office.

No sooner was this great machine set in motion, than suspicion of fraud began to attach to it. So loud were the complaints and so plain the evidence that in 1874 the Republican Senate was compelled to order an investigation. It was a whitewashing affair, however, directed only to one subject of inquiry, the charge of excessive charges made by the public printer against the departments. Other charges were made against Clapp while this investigation was pending, but a hearing on them was rudely refused by the committee. Clapp's attorney was Dick Harrington, a member of the District Ring, who was himself under investigation at the time.

When the Democratic House came in, however, at the beginning of the Forty-fourth Congress, it was determined to make a thorough investigation of the printing office. The institution had been established by the Republicans, and was vigorously defended by Republican influences. With this establishment the cost of the public printing has increased to between \$1,500,000 and \$2,000,000, from

which it is estimated the stealings are from \$400,000 to \$600,000 a year. Some of this money is used for printing Republican campaign literature, and for binding books for the private libraries of members of Congress.

The investigation being ordered, Mr. Clapp testified that he bought his supplies at the lowest rates, and did his work economically. A number of expert printers, on the other hand, testified that samples of work shown them could be done profitably for from twenty to three hundred per cent. lower than Clapp had charged.

#### ASTOUNDING DISCLOSURES.

A. R. Spofford, the able Librarian of Congress, testified to the enormous charges of the government printer for work done for the Congressional library, and said that he wanted it put on record that he was no party to these frauds, as he was compelled by law to send all the books to be bound to the Government Printing Office, no matter what the charges were. He brought books to the committee room and fully illustrated the various charges. The binding for the Congressional library last year cost over twenty-eight thousand dollars.

George A. Gane, of New York City, the proprietor of two of the largest establishments in this country for the sale of binders' material—one in New York City and the other in Boston—made astounding disclosures in regard to what the government printer pays and what he would furnish the same material for. He said that he had noticed the frauds practiced in the purchase of binders' material for the government several years ago and found out that there was no competition to the trade. He had written to Mr. Clapp, sent him samples, and said that he would furnish the articles for prices named. Mr. Clapp paid no attention to this, so a year later Mr. Gane wrote again to Mr. Clapp, calling his attention to his former offer. Mr. Clapp gave him an order for a small quantity, and, acknowledging the receipt of the material, stated that it was entirely satisfactory, but never gave another order.

John Gibson, of Washington, a practical printer, who has a large establishment which he had conducted over thirty years, furnished prices at which he was willing to do the work for the government, and they were one hundred and sixteen per cent. lower than those charged at the Government Printing Office.

Joseph L. Pearson, a practical printer of twenty-one years' experience, was one hundred and twenty per cent. lower in his estimates.

All the persons named and many others, who gave similar testimony under oath, are proprietors of large establishments and are persons of the highest integrity and bear the highest reputation for truth and veracity, and their testimony cannot be questioned.

#### OVER ONE HUNDRED PER CENT. PROFIT.

In regard to blank books manufactured at the Government Printing Office for the various departments, including all the custom-houses, Mr. Lewis A. Lipman, of the firm of Boorum & Pease of New York, the largest blank-book manufacturers in New York City, testified that their prices, including profits, were one hundred per cent. lower than those charged at the Government Printing Office.

It should be borne in mind that in all these charges against the Congressional printer for work done he takes no account of superintendence, rent, taxes, insurance, repairs, and many other items of cost that amount in the aggregate to a large sum, and which all private establishments have to take into consideration in making up their prices. The foreman in the press room in the Government Printing Office testified that the presses were run up at a very high rate of speed, in some cases double what they would be in a private establishment, and hence frequent



breakages and repairs and early destruction of the presses. To practical printers it is only necessary to say that an Adams press is run at the rate of sixteen hundred impressions per hour, and they can form an idea of the enormous wear and tear there must be in the course of a year. It makes no difference to the public printer how long a press may last, for as soon as it is worn out it is thrown away and another purchased.

There is no check whatever upon the person in charge of this vast establishment, and he can purchase whatever material, machinery, presses, type, etc., he chooses, and makes whatever arrangement he can with parties furnishing such supplies, and it would be a very easy matter in this way to defraud the government of large sums of money. The quantity of type in the Government Printing Office would probably supply every printing establishment in New York City. They have such a vast supply that if they have a book to print which they have reason to believe may be ordered reprinted in a year, they keep all the forms standing, no matter if there are a thousand pages. Instances in which forms are kept standing in this way were made known to the committee; and it was proved that the cost of composition was charged against the government a second time.

#### WHAT REPUBLICAN WITNESSES TESTIFIED.

With such facts before them the committee made their report to the House recommending certain changes, which recommendations were adopted by the House, and legislation authorizing them was inserted in the Sundry Civil Bill. The Senate struck out all these safeguards and checks, which were designed by the House to prevent overcharges and other fraud on the part of the public printer. Senator Morton advocated Mr. Clapp in the Senate, notwithstanding the testimony taken by the Printing Committee of the House had been published weeks before, had been discussed for days in the House, and had been commented on by all the principal papers in the country; and notwithstanding, too, the fact that nearly all the witnesses and experts who gave this testimony acknowledged themselves to be Republicans. Mr. Lipman and Mr. DeVinne, who gave the most damaging testimony, are staunch Republicans; and Mr. Behle, an accountant who examined the books of Mr. Clapp, is also a Republican and has been employed for the National Republican Executive Committee as a stump speaker. The committee, in selecting experts, had but one object, and that was to obtain competent experts and honest men. Those only who were known as standing at the head of the different trades were suborned.

#### WHAT IS STOLEN.

Some of the frauds practiced were of such glaring character that the testimony of an expert is not necessary to expose them; for instance, small blank books, which can be purchased at any stationery store at retail for from thirty to forty cents a dozen, the Congressional printer swears cost, at the Government Printing Office, from sixty to seventy-five cents per dozen. The Revised Statutes, a book of course familiar to every lawyer, the government printer testified cost three dollars and a half each. This is one of the cases in which he undercharges. The object of this is to make it appear that work of this kind done at the Government Printing Office is done at far below the prices charged at private establishments; but when the books of the Congressional printer came to be examined by the committee it was found that his volume which he says cost three dollars and a half actually cost nearly seven dollars. In the same way various other cases may be mentioned. For instance, the Army and Navy Register, of one hundred and fifty pages, is kept standing in the forms from one year to another, only slight

changes having to be made in the yearly corrections; yet full composition is charged every year, no matter if but a single name has been changed.

From 1863 to 1875, inclusive, the Government Printing Office, exclusive of repairs, taxes, insurance and improvements, has cost **\$21,767,496.91**, or an average per year of **\$1,674,422.84**. From the data obtained by the House Committee on Printing, it can be safely assumed that if the work done at this establishment had been honestly done or given out by contract to the lowest responsible bidders, it could have been done as promptly and more faithfully, at a saving of at least forty per cent., or about **\$8,600,000**.

#### THE FRAUDS PRACTICED IN THE PURCHASE OF MATERIALS

can be judged from the testimony of George W. Garner, a member of the firm of John Campbell & Co. This house had furnished materials to the public printer for seven years. Garner testified that Clapp bought from \$125,000 to \$150,000 worth of material of his firm annually. To show what profit was made on these sales, he swore that in a sale of \$879.25 worth of imitation gold leaf the firm made a profit of \$570.25. This transaction was more to the discredit of the public printer because the gold leaf was purchased of Valteau, of New York, and each package was stamped with his name. Had Mr. Clapp been really desirous of buying the goods as low as possible he would certainly have dealt with first hands. On a sale of \$4,452 worth of law calf, Garner testified that his firm realized a profit of \$1,264. Generally, he swore, the public printer paid him higher prices than individuals did. Mr. Clapp swore that he always made his purchases in open market, but on cross-examination he testified that he bought at private sales and of whom he chose, never advertising for proposals or bids.

Mr. Clapp was guilty of a

#### VIOLATION OF CRIMINAL LAW.

In March, 1872, he testified he drew a check for \$234 to Philp & Solomons for white paper. Solomons swore, however, that the public printer had not purchased a sheet of paper of the firm, and that the check was a false voucher, made out for Mr. Clapp's benefit. The following is the story of this discreditable transaction:

From A. M. Clapp's testimony: Question. Referring to the stubs of your check-book under the date of March 1, 1872, do you find that a check was drawn in favor of Philp & Solomons for \$234? Answer. I do.

Q. Can you explain for what that check was drawn? A. I cannot here say.

Q. Do the data you have show that fifty reams of white cap paper were purchased from Philp & Solomons on February 20, 1872? A. Yes; and receipted for by my foreman of binding.

Q. It shows that you purchased paper from Philp & Solomons? A. Yes, sir.

A. S. Solomons testifies to the fact that not one sheet of such paper was purchased from him by the Congressional Printer, but that a false voucher was made out for the benefit of Mr. Clapp, and used in his settlement with the treasury.

Question. Did you make an examination in regard to the transaction of March 13, 1872, when the Congressional Printer drew a check in favor of Philp & Solomons for \$234? Answer. I did.

Q. Please state the result of that examination. A. We had a large number of blank books which we desired to sell to the Treasury Department. They needed the books, but had no fund out of which they could pay for them, and suggested that we should see some one connected with the public printer. I met Mr. Roberts, whom I believed to be the foreman of the bindery, and related to him the circumstances. He said he would see about it. Shortly thereafter he made inquiry as to the number of books in our possession, and subsequently saw and made a selection from them, footing up the amount we asked for such books. He then informed me that, under the law, they could not buy blank books, but had to buy paper, and he asked me to make out the bill for the gross amount of the books; that was \$234. The bill read, "Fifty reams white cap paper, 18 pounds, at 26 cents per pound, \$4.68 per ream," making in the aggregate \$234. Subsequently that amount was paid to us by a check from the government printer, and the account was closed.



Q. How many books did you sell them? A. Somewhere between one hundred and twenty-five and two hundred demy and crown cloth-covered books, ruled faint only, and paged.

Q. Did you include in this charge paper, books, binding, and all else connected? A. Yes.

Q. In this bill of \$234, did you furnish any white cap paper? A. None whatever.

#### CLAPP CONTRADICTED BY HIS OWN EMPLOYEES.

J. H. Roberts, foreman of binding, through whom the blank books were purchased, fixes the responsibility upon the Congressional printer, where it properly belongs, although the printer feigns utter ignorance of the whole transaction.

Question. Did you ever make a purchase of Philp & Solomons of books, and have them make out a bill for the same as paper? Answer. Yes, sir.

Q. Was Mr. Clapp conversant with that transaction in its various stages? A. I cannot say that I presume I reported to him when I came back.

Roberts corroborates this testimony, but fixes the blame on Clapp.

Clapp retained, in violation of law, some \$60,000 belonging to the government. He swore that all this money was in the safe at the office. The clerk of the investigation went there, however, and found only \$16,257.99 in the safe. Although Clapp swore the money was nowhere on deposit, and that he had no deposit in any bank in the city, the cashier of the Metropolis Savings Bank testified that he had at that very time deposited in their institution \$12,000, drawing interest at five per cent. per annum. The cashier of the Second National Bank also swore that Clapp had deposited there \$8,000, and that his deposits ranged from \$15,000 to \$16,000. On these deposits interest was allowed.

#### WHAT THE ACCOUNTANT FOUND.

Mr. C. E. Behle, a very skilled accountant, who spent days in trying to sift and digest the accounts of the Public Printing Office kept by Mr. Clapp, gave testimony as follows:

Question. Do the amounts stated in the reports as realized from sales of waste, etc.), agree with the book entries? Answer. They do not.

Q. Should, or should not, the books sustain the reports? A. By all means, the books should corroborate the statements of the reports.

Q. From your examination, state the amounts deposited from October 1, 1875, to March 10, 1876? A. There are two deposits on October 12 of \$9,137.38; and on November 12, \$10,889.93.

Q. What balance, then, would this show to be on hand on the 10th of March? A. The amount realized from October 1, 1875, to February 18, 1876, as shown by loose sheets accompanying summary cash-book, was \$12,580.50; with the balance on hand not deposited on September 30, \$63,828.88, and the balance as shown by cash-book from H. H. Clapp, from October 4, 1875, to March 10, 1876, \$3,850.66, or total receipts amounting to \$80,260.04, would show, after the deduction of the two deposits, a balance on hand March 10, 1876, amounting to \$60,232.73.

This amounted, under the statutes, to embezzlement on the part of Clapp.

#### ONE MORE INSTANCE OF OVERCHARGES.

The various departments of the government use millions of blank vouchers during the year. There has been no change in the form of these blanks for the last ten years. The forms on which they are printed are stereotyped, yet no matter how frequently they are ordered, full composition (setting type) is charged on each order, though not a single letter had been changed. The work for the departments amount to about nine hundred thousand dollars a year. Many of these blanks are small, and frequently thirty-two of them can be printed at one impression, yet the Congressional printer charges an impression for each blank. This system of overcharges on press-work is admirably illustrated by the chairman of the Printing Committee of the House, Mr. Vance, who, when the legislation proposed by his committee was under discussion in the House, spoke as follows:

#### THE OVERCHARGES ILLUSTRATED.

Next come to the question of overcharges. The overcharges referred to in the contract system have prevailed here; the same system of "doubling up," of charging for work that has not been done.

This paper which I hold in my hand is what is termed a form of sixteen pages. These sixteen pages are made up in type, locked up in what is termed a chase, and put upon a press. The paper is put in and run through the press and comes out with sixteen pages printed on it.

Now, the complaint that was made heretofore in discussing the wrongs practiced under the contract system was, that the contractor would print these sixteen pages—would tear them apart and charge sixteen times for the work. But what do we find in reference to the work of the Congressional Printing Office? We find this identical system carried out there, and it has been carried out there through all the books that I have examined.

But now I am speaking upon the present charges. Look at this. Here is a form of sixteen pages. If these forms were made up of single-sheet reports there would be sixteen printed at once. Here are sixteen cut apart. Now the Congressional Printer prints off these forms of sixteen pages each. He tears them into sixteen pieces. He makes sixteen separate and distinct jobs of nineteen hundred copies each. And what does he charge? Not one press work, but sixteen press-works. What is the result? He makes an overcharge of about \$85 for press-work alone upon each and every form of that sort that he puts through his press. An examination of the books of the Congressional Printer shows that full press-work is charged upon each and every job of work, whether put through the press singly or combined with other jobs.

Then there are overcharges made in composition. We find by further examination of the Congressional Printing Office that a great many jobs are stereotyped there—hundreds of them—and that all that is necessary to do when an order comes from a department is to print it. We find that in almost every such case full composition is charged, when all he has to do is to take one of these out, lock it up in a chase and put it on a press, and charge every time the job is ordered. The books show that these charges have been made; that it is a rule to so charge.

During the session of Congress, these one and two-page documents Mr. Vance speaks of, will vary from sixteen to one hundred and fifty a day; yet there is no single instance where on his books Mr. Clapp has not overcharged for them.

#### THE OBJECT OF UNDERCHARGES.

It was found by the investigation that two classes of work were systematically undercharged by Mr. Clapp; one of these was the Congressional Record and another was the work of the Supreme Court. The Congressional Record, it will be remembered, was taken from the private establishment of the Rives Brothers, and the Supreme Court work was also taken from other private parties in the City of Washington. For forty years the *Congressional Globe* had been printed by the Riveses, and always to the satisfaction of Congress.

An examination of the books of the Congressional Printer showed that the cost of the *Congressional Record* had been underestimated; in other words, was reported to have cost forty thousand dollars less per Congress than the white paper, type-setting, press-work and other labor incident to the performance of the work actually cost. The object of this undercharge was to make Congress believe that all the work done at the government establishment was done in the same reasonable manner. He was enabled to do this by using the surplus of money accumulated from overcharges on other work to defray the cost of printing the *Record* which was not reported.

#### THE PRESIDENT VINDICATES CLAPP AND THE SENATE CONCURS.

Yet, notwithstanding all the facts, which proved beyond a doubt that a system of corruption existed in the management of the Government Printing Office, and that frauds and overcharges against the government were regularly practiced, the President renominated Mr. Clapp, who had just been legislated out of office by the House insisting that the public printer should no longer be nominally an officer of the Senate. The new office was created, and the incumbent is hereafter to be known as the Public Printer. To this Mr. Clapp was appointed by the President; the nomination was referred to the Senate Committee on Printing, and Senators Anthony and Sherman reported it back, with a recommendation that Mr. Clapp be confirmed. The Democratic Senators protested in Executive session against it, yet Mr. Clapp was by a unanimous vote of the Republican Senators confirmed.



## PUBLIC BUILDING FRAUDS.

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Under Grant's administration the Ring of Republican politicians who formed the "Kitchen" Cabinet discovered that a gold mine, yet undeveloped, lay in the construction of public buildings. The total cost of public buildings, from 1779 down to 1860 were \$28,640,170.38. In 1866 the pipes were laid, and in 1868 the carnival began. The total expenditures for public buildings from 1860 to 1876 were \$51,174,978.05. Nearly all this vast sum was expended under Grant's administration. Of the grand total of \$79,805,148.15 expended for public buildings since the creation of the government, \$28,640,170.38 were expended in the seventy-one years previous to 1860, and \$51,164,978.05 during fifteen years of Republican extravagance and misrule.

The Republican party has had a continuous tendency to create new offices, bureaus and divisions, to provide places for the politicians who were demanding rewards for political service. In this manner the Supervising Architect's office, in the Treasury Department, which was not created by law, has grown to be one of the most important divisions of the civil administration. From a petty officer, who had control of the Treasury building extension only, the Supervising Architect has become the head of a bureau.

Government agents are appointed to superintend the work of construction. The contractors are friends of the administration, and their employees are expected to vote the Republican ticket. It is a notorious fact that the workmen in the granite quarries in Maine, whose work is virtually controlled by the Supervising Architect, have for many years been under political duress, and that a refusal to vote the Republican ticket meant prompt dismissal.

The accounts for fuel, gas and water for public buildings pass through the Supervising Architect's office. When Mr. Bristow became Secretary of the Treasury, he attempted some reform in this direction, but his efforts to check abuses being offensive to Grant, he was compelled to resign.

### JOBBERY IN THE SUPERVISING ARCHITECT'S OFFICE.

During the fiscal year 1872-3 there were twenty-one public buildings in course of construction, appropriations for which aggregated \$10,052,053. There were no contracts awarded for the construction of the buildings in gross sums, but the Supervising Architect awarded different contracts for various kinds of work on the same buildings. On the total cost of the work the contractors received a profit of fifteen per cent., or \$1,500,000.

### THE NEW YORK POST-OFFICE.

The construction of this great and necessary public building in New York was managed in the interests of a Ring of contractors and politicians. The site for the building and the plans for its construction were prepared by a commission of eminent gentlemen in New York, acting under a resolution of Congress. They

estimated the cost of a larger building than the one now completed, making a liberal allowance for contingencies, at \$3,542,930. These plans were objected to by the Supervising Architect. The Committee on Post-offices and Post Roads, however, adopted the commission's plans. The Supervising Architect, through the influence of the White House, *threw the commission's plans aside*. The present building occupies 10,000 square feet *less* than the one originally planned by the commission. The work dragged along from year to year, until the citizens of New York began to despair of living to see the new post-office completed. When it was completed, the total cost was found to be \$7,454,831.68, or *nearly \$4,000,000 more than the estimated cost of the larger building under the plans of the commission*. The building was constructed in the most extravagant manner. Contracts for the granite, of which the building is composed, were awarded without competitive bidding. A contract was made with the Dix Island Granite Company to furnish stone for sixty-five cents per cubic foot for all stones whose quarry dimensions did not exceed twenty cubic feet, and one cent additional for every cubic foot in excess of twenty; and, in addition, fifteen per cent. on the total cost. The contractors made fortunes. The masonry work was performed by day work, under the inspection of a crowd of superintendents, who received from \$6 to \$16 per day each.

#### THE BOSTON POST-OFFICE.

This public work was constructed upon the same principle as the New York post-office. Although the former building did not cost so much as the latter, the jobbery in its construction was more apparent. The site for the Boston post-office was purchased in March, 1868, for \$453,000. The city government expended half a million dollars in providing suitable approaches to the site. Merchants of Boston employed an architect of ability and experience to prepare drawings for the superstructure of the building. Those plans did not please the Supervising Architect, who *rejected them without even consulting the Secretary of the Treasury*.

The sum of \$200,000 was expended in laying the foundation. The cost of the building was estimated at \$2,598,967.60. Subsequently an extension to the building was authorized and the cost was run up in round numbers a million more than the original estimate.

The frauds in supplying stone and other materials for the Boston post-office were equally as glaring as those in connection with the building in New York.

The interests of the government were entirely unprotected. Incompetent men were employed, mainly because of their political influence.

#### BOSS SHEPHERD'S CONTRACTS.

Boss Shepherd, who had a finger in every job where money was to be made, came in for his share of the plunder at this time. He was the owner of two patents. One was the Vaux patent roofing and the other a patent anti-freezing pipe used in plumbing work. Shepherd made it his business to secure the fat contracts for plumbing and roofing the public buildings then in process of construction.

His workmen traveled from Washington about the country, their expenses being paid by the government. Material purporting to be shipped from Washington was charged to the government at profitable prices, and thus Shepherd was paid 15 per cent. on the total cost, and 10 per cent. royalty for the use of his patents. The old public buildings were stripped of their gas fixtures and supplied with new ones purchased from the Tucker Bronze Company, in which Shepherd was the principal stockholder.



## FRAUDS IN THE PENSION OFFICE.

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The administration of the Pension service of the United States for the past ten years has been a disgrace to the country, and an outrage upon the brave men for whose reward the service was established. The representatives of a grateful people, then struggling in the throes of civil war, promised the heroes who marched forth to battle that in the event of their disability from wounds or death, the government would, in the former case, render them assistance, and in the latter event, care for their widows and children. This promise implied prompt and liberal treatment of these most honorable wards of the nation. How those pledges have been fulfilled none are so well qualified to tell as the men, impoverished and disabled, who have been knocking at the doors of the pension offices for the last decade, vainly striving to have justice done them.

For the first few years the work of the pension office was well done. At that time the exigencies of the Republican party were not such as to demand the conversion of the pension service into a political machine. The service was managed for the benefit of those whom it was intended by the people to reward. In the year 1866, with a clerical force of 175, over 50,000 original pensions were granted by the Pension Bureau.

### CONVERSION OF THE PENSION OFFICE INTO A POLITICAL ORGANIZATION.

In 1875 the Pension Office was called to the assistance of the Republican party. In that year there was an average clerical force of 420, and only about 12,800 original cases were considered and granted. The object of the administration was to give as many politicians places as possible, and to so retard the work as to keep these political hacks in steady employment. Between the 4th of March, 1875, and the 6th of February, 1876, 128 employees were discharged to make room for 98 new men. From the 4th of March, 1875, down to the present time, four different Commissioners have been in office. The present Commissioner, Mr. Bentley, has been in office since 1876. There has been trouble in the operations of the office ever since. Attorneys and claim agents, who do by far the greater part of the pension business of the country, have not been given facilities for the speedy transaction of their work. Individual applicants complain of the treatment they have received in presenting their claims to the bureau, and members of Congress have been harassed in securing information for their constituents. Since March 4th, 1877, Democratic Congresses have voted \$117,493,000 for the payment of pensions; of this sum \$25,500,000 has been voted to pay arrears of pensions. In 1876 employees of the Republican Congressional Committee were borne on the rolls of the Pension Bureau, but did no work there.

### AN INVESTIGATION OF THE PENSION BUREAU.

At the last session of Congress the abuses in the Pension Bureau had increased to such an unusual degree, complaints of delays in the settlement of pensions were

so frequent and universal, that the House determined to take official cognizance of the matter. On the 12th of January, 1880, Mr. Harmer, Republican, introduced the following preamble and resolution in the House:

Whereas, it is a matter of public record that soldier's claims for pension to the number of two hundred thousand are now pending in the Pension Office and unsettled; and whereas, it is alleged that bounty and back pay, due under existing law to soldiers who have served in the armies of the United States, are due and unpaid; therefore,

*Resolved by the House of Representatives of the United States of America,* That a committee of seven members of this House be appointed by the Speaker, whose duty it shall be to examine and inquire into the method and manner of the payment of pensions, arrears of pensions, bounty, and back pay, and to ascertain whether any irregularities exist in the payment of the same; and the said committee shall have further power to investigate any subject of complaint that may belodged with them concerning the payment, rejection, or suspension of pensions, bounty, and back pay; to examine witnesses, to send for persons and papers, to employ a clerk, and to report the result of said investigation to this House, with a view to the enactment of such additional legislation as may correct existing defects and as may be deemed necessary to protect the pensioners and soldiers of the government in their rights.

*And be it further Resolved,* That the expenses of the said committee shall be paid out of the contingent fund of the House upon vouchers signed by the chairman of the said committee.

The resolution was promptly adopted, and the Speaker appointed A. H. Coffroth of Pennsylvania, George W. Geddes of Ohio, W. R. Myers of Indiana, Benton McMillin of Tennessee, A. C. Harmer of Pennsylvania, Lucien B. Caswell of Wisconsin, J. R. Thomas of Illinois, as the committee.

The investigation made by the committee proves beyond question that the present administration of the Pension Bureau is solely responsible for the grievous delays that pensioners suffer in securing action upon their cases. The Democratic House has been most liberal in dealing with the soldiers of the late war. It has not alone given the Union soldiers increases and arrearages of pensions but it has furnished the Commissioner of Pensions with every facility for the speedy transaction of business in his bureau.

After the Arrearages Pension Act was passed Congress promptly made an additional appropriation for an increase of clerical force. To-day the number of employees in the bureau proper is 590. On the 30th of June, 1879, there were 364 clerks in the office, independent of laborers, mechanics and engineers.

With a largely increased force the work of the office has steadily fallen behind. The number of applications for pensions has, it is true, largely increased, but the Commissioner has so organized the work of the office that there are duplications and delays innumerable.

The investigating committee had no opportunity to make a report at the last session of Congress, and a large portion of the evidence taken has not yet been printed. Mr. Bentley, the Commissioner, first appeared before the committee and made a long statement about the work of his office. The main purpose of his testimony seemed to be to show what a large increase of cases there had been since 1877, and to impress the committee with the idea that there was no possible method by which the business of the office could be quickened. According to a table prepared by the Commissioner, there have been filed and allowed from 1862 to January 31, 1880, excluding claims for increase, arrears and bounty claims, pension claims as follows: Applications filed: Invalids and widows, 608,511; navy, invalids and widows, 9,918; war of 1812, 73,342.

Of the total of 608,511 applications filed from the army, 347,127 were allowed. Of the total of 9,918 navy applications filed, 5,796 were allowed, and of the 73,342 applications from survivors and their relatives of the war of 1812, 53,974 were allowed.

#### BEFORE THE PENSION BUREAU BECAME A POLITICAL MACHINE.

For the purpose of comparing the work done in the bureau, when there were no political influences at work, with the administration of the office at the present



time, the class of pensioners known as invalids have been selected. In 1866, 22,645 invalid claims were allowed. There were then 175 clerks in the bureau. There are now 590 employees in the office, and from June 30, 1879, to February 1, 1880, three-fourths of the fiscal year, only 3,332 invalid claims had been allowed. The number of applications filed during that time for invalid pensions was 50,938, while the total number of such applications filed in 1866 was 35,799. In 1866 the bureau did not possess the facilities for quick transaction of business that it now does.

#### SINCE IT BECAME A POLITICAL MACHINE.

Since 1875 the work of the Pension Office has been constantly falling behind. In June, 1875, according to the testimony of Mr. Bentley, the pending claims were 73,795 ; on June 30, 1876, 88,973 ; June 30, 1877, 91,444 ; June 30, 1878, 120,387 ; June 30, 1879, 184,709. This included 48,064 claims for arrears from old pensioners. On the 1st of February, 1880, there was an aggregate of 269,178 claims pending. Mr. Bentley said that 64,000 of these claims were in the rejected files, and of that number 25,000 were dead cases. The rejected cases, with the exception of 25,000, however, are yet alive, and can be reopened, so they properly belong in the class of pending cases. During all the time that these cases were accumulating, Congress was increasing the clerical force of the office. Instead of devoting this force to the pension work proper, Mr. Bentley was inventing a new system for doing the work. Hundreds of thousands of names had to be copied, lists revised, etc., and the work was not finished until the end of the last fiscal year. He made nine divisions for work, and employed nine chiefs of divisions, and did away with some of the old time distinctions. These chiefs of divisions have from twenty to fifty men underneath them. Although Mr. Bentley has a high opinion of his new system, the practical results of its operations do not seem to be successful.

The following extract from Mr. Bentley's examination will show the length of time necessary to obtain a pension :

Mr. Harmer : Is it not very exceptional for cases to be reached within a year from the date of application ? A. There are a great many more cases pending longer than a year than there are cases settled within a year from the date of application. There are many cases pending six or seven years.

Mr. Harmer : So few cases have come under my notice that have been settled within one year or even within two years from the date of application, that I am led to make these inquiries.

Mr. Thomas : And yet there are cases that have been settled in much less time. I have knowledge of one that has been settled within four months from the date of application. A. That is certainly exceptional.

#### FAVORITISM IN THE PENSION OFFICE.

It is charged that gross favoritism has been shown certain pensioners of influence, and members of Congress who are especial friends of the Commissioner.

One instance of this kind in particular was brought to light in the testimony of Charles King, Esq., an attorney of this city. William P. Copeland, a Washington lobbyist, applied for arrearages of pensions. Mr. King testified in relation to his case as follows :

When Mr. Copeland made his affidavit, he said he thought himself entitled to a pension, and described his disability ; and after he described it, I told him I thought he was entitled to a pension of from \$3 to \$4 a month. I asked him the effect that it had upon his capacity for business. He said it had obliged him to abandon his business, and he had taken up the business of journalism. "And," said he, "I would like to get that pension immediately, for I am going to California to represent several newspapers, and I wish there was some way to hurry it through so that I might get the money to use." I told him we had refused for several years to go to the Pension Office to ask any favor in any case, but that if any public man would go for him, to represent his interests, or if he would himself go to the commissioner and represent the urgency of his case, perhaps the commissioner would do something for him. He said he would try it. We made out his application, and he took it up. He called on us a day or two or perhaps a week, afterwards, and said that the

arrangement was all made, and the case would be made "special." We filed that application on the 10th of July, 1879, and in just seventy-five days from that time the pension was allowed to him, and he drew nearly \$400. He was a man in no distress whatever for the money, but it was a matter of convenience for him, and he said that he would be very much obliged to us if we would put him in the way of hastening it.

Mr. Geddes : So far as you know, what were the influences brought to bear to bring about that speedy allowance ?

The witness : I do not know ; only it was suggested to him by me that, being a newspaper man, it was probable that he would have considerable influence in that office. Said I, "I see no other way."

The Chairman : Why should he have special influence because he was a newspaper man ?

The witness : I have noticed for several years back a great deal of what I call trash and stuff, enlogizing the Pension Office and its management, and every little while there would be a flaming statement that Commissioner Bentley had discovered frauds here and there ; that Commissioner Bentley had ascertained that the claim agents were doing this, that, and the other thing ; a constant tissue of this sort of twaddle has been going out from here for at least three years.

Mr. Geddes : When you made that suggestion, did Copeland say he would use the means you suggested, or did he tell you afterwards that he had done so ?

The witness : He said he would act upon the suggestion, and subsequently told me that he had acted upon it, and that the matter was all right, and that he would soon get his pension.

The Chairman : Do you know whether he wrote any flaming articles, such as you described ?

The witness : I do not know who does write that literary trash, and never have known.

Other cases where favoritism had been shown were brought to the attention of the committee.

#### THE EX PARTE INVESTIGATION SYSTEM.

One of the most glaring evils of the present pension system is the practice of employing spies or special agents to investigate pension cases after allowances have been made. The wrong is not in making the investigations, but in the manner of conducting them. Certain clerks are detailed by the commissioner of pensions to investigate suspicious cases. Sometimes the enemy of a pensioner writes to the bureau that the said pensioner obtained his pension by fraud. The spy of the bureau goes to the informer secretly, and obtains from him all the hearsay information he possesses. The spy is then directed to other enemies of the unsuspecting pensioner, who in turn give him their suspicions. The object of the investigation knows nothing of the inquiry in progress. He is not allowed to appear in his own defense. The spy measures his success in the business by the number of fraudulent pensioners he discovers, and the consequence is that he reports every man guilty until he is proven innocent. The first information the pensioner has of the occurrence is notification that his name has been dropped from the pension rolls. If he is able immediately to establish his innocence two or three years may elapse before he can get his name upon the rolls again.

George M. Van Buren, ex-pension agent in New York City, in his testimony said :

The special agents are as a class a low order of spies. They feel that the more cases they can report, the better their standing with the department, and they become spies, informers, tricksters, persecutors and prosecutors. Generally they look only to find those who will report against the claimant and get the credit of stopping the pension. One of the worst of these examples was found in Western North Carolina, where a special agent was sent who filled out such affidavits as he wanted and then hunted up witnesses to make them, often reading only a part of the affidavit (I wish this statement to be taken as made, not of my own knowledge, but upon information). In this case a whole host of pensions was stopped, and the department, finding they could not stand the odium of such a man, discharged him, giving as a reason that he charged in his vouchers \$3 per day paid for the use of a horse, when in fact he paid but fifty cents. Another agent was sent after him and reported these facts as I have stated to the Pension Office, but, strange as it may seem, these pensioners are still suspended."

Mr. Bentley does not approve of the monstrous *ex parte* law enacted by the Republican administration. He alluded to it before the committee as follows :

This system is conducted now on a somewhat different basis from that on which it was started. Originally the system was that an agent went out, took a case, and played the part of a detective. That was his business. He made his reputation by trying how many pensioners' heads he could cut off. He did not report evidence. He simply reported what results he found. He wrote down that such and such was the case and sent it in, and on that report the pensioners were dropped from the rolls. In later years it was changed, so that all the evidence was required to be taken by affidavit and sent into the office. That is the system now. There is another thing. Without condemning myself or any of my predecessors as being politicians, or using these officers for political purposes, I desire to call attention to the fact that the system is peculiarly open to that abuse. I might go on and name many other grounds upon which such a system is peculiarly open to



abuse. \* \* \* \* \*  
I have known cases where they went so far after they had been detailed as to be caught in some political engineering, but I believe none of those men went out a second time.

Mr. Geddes : On demanding money for a favorable report ?

Mr. Bentley : Well, I hear many allegations made against agents. I have a case now in my mind where very serious allegations are made against an agent whom I have believed to be one of my best and most efficient men. Whether the allegations are true or false I do not know, but I mean to find out. I have no knowledge of charges of bribery.

Mr. Harmer : I have now on my files a number of cases in which great injustice has been done, to which I shall call the commissioner's attention at a proper time.

#### DROPPING PENSIONERS FROM ROLLS WITHOUT NOTICE.

Commissioner Bentley has plainly violated one provision of the statutes in his management of the Pension Office. He has dropped men from the pension rolls without giving notice to the pensioner and without hearing sworn testimony. The chairman of the committee, prior to the investigation, held a consultation with the commissioner, and pointed out to him wherein he thought he was exceeding his powers. The following testimony was taken upon this point :

Q. Then under the present rule, adopted since the conversation with the chairman of this committee to which you have referred, there are no cases in which parties have been dropped from the rolls without notice ? A. Yes, there are some. There are all these cases that are included within the provisions of section 4719; but no names are now dropped from the rolls, in cases where the Pension Bureau takes aggressive steps to drop them, without giving notice to the claimant ; and except in cases that were dropped on the certificate of an examining surgeon, there have been no such instances for several years.

The Chairman : I will state the position which I took in my consultation with you with reference to that section of the statute. It was, that where you had notice that a certain party was drawing a pension who was not entitled to it, you were obliged to have a sworn statement of the facts alleged before an examination could be ordered, and that the statement or statements would have to be under oath, all except the certificate of the surgeon, he being by law presumed to be acting under oath.

Mr. Bentley : If you state that as your interpretation of my power and my duty under the law, I must beg leave respectfully to disagree with you, because I don't think you are correct. I think that I may order any invalid pensioner on the roll to go and be examined, without having any allegations against him at all.

The Chairman : Yes, but I do not refer to cases of that kind. I mean cases where the order for the examination results from allegations or charges made by somebody, and what I contend is that those allegations or charges must be under oath.

Mr. Bentley : I do not agree with you in that. I think that I may or may not require the preliminary statement to be under oath, as I please. The mere ordering of an examination is one thing ; the taking of aggressive steps after the examination has been made is quite a different thing. I do not think it is necessary under the law that preliminary statements made to me shall be under oath.

The Chairman : But how do you get around the provision of the statute that " in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony."

Mr. Bentley : I do not withdraw or reduce until *after* the examination—never before.

The Chairman : Then the act of Congress is made void by your interpretation, because I could write a letter stating that a man was not entitled to a pension, and, upon that statement, you could order him to be examined.

Mr. Bentley : I *could*, but perhaps I would not.

#### ABUSES IN THE PENSION OFFICE.

Nathan W. Fitzgerald, formerly general clerk of the Pension Office in Indianapolis, and at present claim agent in Washington, gave the committee the benefit of his experience in the Pension Office. Mr. Fitzgerald and indeed every witness examined by the committee were Republicans. No political bias can be attributed to his testimony. He had 25,000 pension claims pending in his office at the time. He said :

For the last two or two and a half years I have noticed a very considerable increase of the delay in adjusting claims beyond what occurred prior to that time. About two years ago, I believe, the commissioner notified Congress that he did not require any more clerical assistance at that time, so that I suppose the delay has arisen not from the lack of clerical force, but because of the Commissioner's desire to institute another line of examination and procedure in the matter of pension cases.

By Mr. Geddes : Q. From your own personal knowledge, to what do you attribute the delays in the Pension Bureau ? A. I attribute the delay at present to a lack of clerical force and to the want of a proper organization of the office. From my knowledge of the mode in which the business has been conducted, I do not believe that the office is properly organized ; I do not think it is organized, for instance, on the basis on which a private individual would conduct a business of that kind so as to get the most out of it and to obtain the greatest amount of labor for the number of persons employed ; I think there is a very great fault in the organization of the Pension Office in that respect.

Q. Do you know of any changes that have been made by the Commissioner which have corrected

that condition of affairs? A. I do not. With the permission of the committee I will state a matter which will show you the want of system in that office. Within the last four or five months I have received duplicate, sometimes triplicate, and sometimes quadruplicate letters from the Pension Office containing the very same matter exactly. For instance, I file a claim for a pension; shortly afterwards I receive notice from the office that the claim has been received and placed on the files and given a certain number; then in the course of two or three weeks along comes another letter giving the same notice exactly; that causes me to set my clerks at work to search my files for the case, and then I discover that I have already one such notice on file and that this is a duplicate. Such cases have often occurred, and even triplicate notices are quite frequent.

Q. To what do you attribute these repeated communications containing the same substance? A. It seems to me that if I conducted my business in that way it would indicate a lack of management; if I managed my business in such a way as to have my clerks do the same work over again two or three times, I should think there was a waste of material and a lack of system.

Q. Do those notices in every case come from the same branch of the office? A. Yes, sir; from the same branch.

#### THE INTERMINABLE DELAYS.

Mr. Fitzgerald testified that generally six months or a year elapsed after evidence is filed in a given case before any answer or communication is received in reply from the Pension Office.

Q. Can you state whether, in his rulings upon the law and the evidence, the commissioner is liberal toward the applicant and the pensioner, or whether he rules always against them? A. I know that in my practice in every case to which I have given my personal attention rejections are made on technicalities of cases which a liberal ruling—that is, a just and equitable ruling—would pass. I have had a great many cases rejected where the office seemed to be sorry for its action afterwards, because they have often taken up such cases and allowed them afterwards without my calling them up again at all.

The witness then explained the difficulties under which pensioners suffer in securing their claims, through the severity of the Pension Office. Circumstances frequently occur to prevent a claimant from obtaining proof of treatment in the service for a wound or disease, owing to death or absence of the surgeon, although the claimant's old comrades and officers testify that the man was wounded or diseased, he seldom has the good fortune to secure a pension. In the witnesses' practice the number of cases at first rejected by the Pension Bureau, and afterwards granted without request, is so large that he does not remove rejected cases from the files of his office; expecting, like Micawber, that one day or another something will turn up. The average time for settlement of his claims exceeds two years. The testimony of Mr. Fitzgerald on the subject of dropping pensioners from the rolls without notification contrasts severely with the testimony of the Commissioner on that point.

Mr. Harmer: Q. Do I understand you to say that a number of your clients who had been placed on the pension roll have been dropped on the report of special agents? A. Yes, sir, some of them: I cannot tell just how many.

Q. In how many of those cases were the pensioners notified and given an opportunity to file testimony in their defense? A. I do not know of any such case.

#### FALSE RATING OF DISABILITY.

One of the greatest abuses in the pension system is the way in which pensioners are rated according to the extent of their disability. A sample is as follows: Henry A. Smith, pension \$4 per month from June 15, 1864, to June 6, 1866; \$5 per month from June, 1866, to January, 1879, and \$18 per month from January, 1879, on. The pensioner's disability was the same from 1864 to the present time. Mr. Fitzgerald submitted thirty-two glaring cases of this unjust and inexcusable rating of certain favored pensioners! Another abuse complained of is the authority exercised by the Commissioner to change ratings. If Brown comes before a board of surgeons in New York, is examined and rated by the board to receive a pension of \$8 per month, the Commissioner, on the authority of the medical referee in Washington, who knows nothing of the case, can rate the man \$4 per month. These instances are of frequent occurrence. Ex-Pension Agent Van Buren, in his testimony on this point, says:

#### NO LAW OR JUSTICE FOR IT.

The surgeons—old army surgeons, three of them—examine a man, and they give him a three-



fourths or total pension, and, upon review, the Pension Office issues him a certificate for a one-fourth or one-half pension, virtually stealing the balance. There is no more law, justice or authority for this than for the President approving a bill for \$25,000 after its passage for \$100,000, and the committee should draw articles of impeachment at once in the case. No monarch could exercise more complete sway than the Commissioner of Pensions. The entire weal or woe of these thousands of poor pensioners rests upon his mere *ipse dixit*. I submit that the law gives the President a right to approve or to disapprove a bill, and the Commissioner to approve or to disapprove of a rating of a board of surgeons; but right here comes in the devilishness of the scheme; while he does neither approve nor disapprove, he stabs in the dark. (I do not mean personally, but I mean that the department takes the man entirely in the dark.) He throws aside the rating of the surgeon, and his medical referee, who never saw the applicant, gives him his own rating, and the certificate is issued giving a pensioner a pension of \$2 a month when he feels that he should receive \$8 per month, and he knows he is unjustly dealt by; that a species of lynch-law has been enacted towards him, but can't tell where, and hence no appeal, and he curses the government he strove so earnestly to save. Do you ask how I know this? I say I have seen and heard boards of surgeons give these ratings, and then have seen the certificates come back at these lesser rates.

#### AN EXPERT'S TESTIMONY.

Mr. Van Buren is familiar with all the workings of the Pension Office. He says that he believes the whole struggle in the Pension Bureau is to find work for the clerks, and not allow pensions. He says:

Now, in my opinion it is very slow work for an office where there are five or six hundred clerks to issue only 3,360 pension original invalid claims in seven months, although the arrears might have interfered. From the 13th of January to the 26th of February there were only 900 original pension claims of invalids issued; not, in my opinion, because they could not be issued, but because the commissioner dare not issue them.

Q. Why dare he not issue them? A. Because he has no money to pay them.

Q. Has Congress refused to give appropriations for the payment of pensions? A. The Commissioner of Pensions, a year ago or thereabouts, when Congress asked him if he needed any more clerical force, replied that he did not; and I think he did.

Q. That is not an answer to my question. I ask you if Congress has ever refused to make appropriations for the payment of pensions? A. I do not think so.

#### PRESIDENTIAL POLITICS IN THE PENSION BUREAU.

Q. Then why dare not the Commissioner issue these pensions, and why would he not have the money? A. He does not ask for it. In my opinion—that is, a political opinion.

By Mr. Geddes: Q. But why would the Commissioner feel a personal or official interest in keeping back cases; simply because of the amount of money that would be required to pay them if allowed? A. Because I do not think the Treasury Department wishes that that should be the case. I think that Mr. Sherman does not want to have so many million dollars turned out of the treasury; and in my opinion that is the difficulty and the reason why this money is not called for. But I believe that if called to the notice of the President they would be paid, as he was a soldier and is in sympathy with them. Now it takes thirty and odd million dollars to pay the regular pensions for the next year, the cases now on the roll; and for every one thousand pensioners that are put on the roll the first payment alone will take a million dollars, so that if 20,000 are put on the roll, next year it will take \$20,000,000 to make the first payment in addition to the thirty or thirty-three million dollars required to pay these regular pensioners; it will take a million dollars for every one thousand cases that he puts upon the roll, and if he issues 40,000 cases it will take \$40,000,000 to pay them, and Mr. Sherman will not be able to report what he would like to report until after the next campaign.

Q. What he would like to report is a decrease in the public debt, I suppose? A. And so forth. I will say that I am a radical Republican and do not want to interfere with the party in any way. I am a Grant man, and have always been so. I have the figures here by which I can give you the number of invalid pensions that have been issued up to certain dates. On the 14th of June last there were 160,771; on the 15th of January, seven months and a day later, 164,130; on the 26th of February, 165,038; on the 19th of March, 165,673; from February 28th to March 19th there were a little over 600 cases.

Q. Have you in your mind any other reason why the Commissioner in his official or his personal capacity would be biased toward withholding the allowance of cases?

\* \* \* \* \*

The witness: Well; I believe that the whole system for the last couple of years has been aiming toward centralization, the one-man power, if you choose to say it, in the Pension Office; I believe the rulings in the action of the Pension Office have been made so that the Commissioner could have the entire control and management of the pensioners throughout the country in his own hands.

Q. Do you know any other reason or motive for these delays which you say occur in the settlement of pension claims? A. I think the Commissioner of Pensions or the Bureau should act as a judge in these cases. The practice, for the last few years particularly, has been for him to act as a prosecuting attorney and as a strong defendant in these cases, seeking not to do justice to the pensioner, but to defeat every claim by any possible means. That has been the practice in my opinion.

#### ONE SPECIAL CASE—A SAMPLE ONE.

Mr. Van Buren knew one case of favoritism exercised by the Commissioner at the expense of some poor soldier.

Q. Do you know of any cases made special unless the claimant was sick or greatly impoverished? A. General Graham, Surveyor of the Port of New York, whom I met in the Pension Office drawing a good many hundreds of dollars, told me that his case had been made special, and I think he

said that within six weeks he got his pension. I know that he asked me about it, and he had made the claim for a pension only a very short time before.

Q. Do you know anything about his condition or his embarrassments? A. He is getting \$6,000 or \$8,000 a year as Surveyor of the Port of New York.

Q. Do you know on whose request his case was made special? A. I do not.

Q. Can you name any other case? A. I do not know that I could name any other case now; if I were in New York I think I could.

#### PENSION ATTORNEYS.

There are about 16,000 persons practicing before the Pension Bureau, and styling themselves "pension attorneys." A great majority of this number are claim agents. Charles King, Esq., in his testimony before the committee, swore that three-fourths of the pension business of the country is done by 100 men, and the attorneys residing in Washington have probably 100,000 of the 240,000 live cases before the bureau. According to Mr. King's estimate there are several thousand attorneys having from one to three or five cases each.

"Now," said Mr. King, "if this is even approximately true, it seems to be perfectly apparent that the Pension Office is contending with a mass of incompetency and ignorance that, to me, would be utterly appalling. If I were commissioner I should get on my knees and pray Congress to give me some relief, and I am not at all surprised at the condition in which the office is said to be by the officials who have it in charge. But my position is that the failure is in not making a proper selection of persons to do business with the office, and in my judgment the Commissioner has full power to do that under the advice of the Secretary of the Interior and the President of the United States, to both of whom he can appeal under the law."

It is an undoubted fact that the Commissioner, by allowing irresponsible persons to practice the claim business in his office, has retarded the work of the bureau, and in many instances injured the claims of applicants for pensions. Pensioners can understand how many of their claims come to be rejected by the following sample. This communication was sent to Mr. King from the Pension Office:

You are hereby informed that claim No. 225,454, of John Friend, as guardian of the minors of Elias Friend, is rejected on the ground that the disease, consumption, of which the soldier died, was not contracted in the United States service.

That notification did not inform the attorney of the precise difficulties supposed to exist in the case. He had no means of knowing whether the office had evidence that consumption existed in the man at the time of his enlistment, or whether consumption was contracted by carelessness on his part, or whether the disease originated after his discharge from the army. These points are important, as the man might be able to give an explanation which would show him to be entitled to receive a pension.

#### THE PENSION OFFICE DEFINITION OF LOYALTY.

Loyal people who resided in the Southern states during the war have had great difficulty in obtaining pensions and settling bounty land claims. The Union soldier who left his home to fight the battles of his country has often suffered greatly because of the severe ruling of the Department. Circulars have been issued from the Pension Office from time to time declaring that in proving loyalty, both in invalid and widows' cases, where loyalty is necessary to be proven, it must be shown whether the applicant *paid taxes to* or in any other manner aided or abetted the Confederate cause. Such a test of loyalty was never heard of. Men may be disloyal to this government and yet pay taxes to it. A Union soldier owning property in the South may have left his wife upon his farm. Unless she paid taxes her sole means of support might be taken from her. If she did pay the taxes, and her husband was killed in the Union army, she could not obtain a pension on his account.

#### CHIEFS OF DIVISIONS CONTRADICT THE COMMISSIONER.

The committee examined the nine chiefs of divisions in the Pension Office as



to their duties. It will be remembered that the Commissioner said that he did not desire an increase of his clerical force; that such an increase would not facilitate the work of the office. Each of the chiefs of divisions swore that an increased number of clerks would assist materially in pushing forward their work. Mr. Bentley was contradicted by his own subordinates, who should have had more politeness. A number of witnesses appeared before the committee who declared that they had been dropped from the rolls without notification. Others testified that they could not obtain from the Bureau the reasons why their applications were rejected. Still others declared that they had been refused information about cases when they applied personally. The investigation showed that the office is mismanaged; that its business is not conducted for the benefit of the soldier and sailor, but to promote the political aspirations of certain Republican office-holders. In fact, the Union soldiers need only read the record evidence of this investigation to be convinced that a change of administration is needed to give them the tardy justice they have been so vainly striving to obtain under Republican rule.

## FRAUDS IN THE DEPARTMENT OF JUSTICE.

### WHAT IT COST THE TAXPAYERS TO SUPPLY LUXURIES FOR REPUBLICAN ATTORNEYS-GENERAL.

#### FREE RIDES, FREE TICKETS, FREE LITERATURE AND OTHER CONTINGENT EXPENSES OF THE DEPARTMENT OF JUSTICE.

In the good old days, before the Republican party got possession of the government, a Cabinet officer would have been shocked at the suggestion that his expenses for carriage hire, novel reading, visiting cards, trips to Long Branch, and the like, could be legally charged in his account against the United States.

In the opinion of Democratic Cabinet ministers this would have been as gross an abuse of law and decency as to charge the government with their clothing and board. The plan of assessing the government for expensive pleasure excursions, costly equipages, tapestry, carpets for private dwellings, and servants in livery, whose names were borne on the pay-rolls as messengers, was inaugurated by the Rev. James Harlan, a Republican Secretary of the Interior.

There was something in this idea of ease and luxury at the public expense that commended itself to other departments, and it has been fashionable in Republican administrations ever since, and especially so during those of Grant and Hayes.

The Attorney-General, and latterly *the Department of Justice*, have been conspicuous for abuses of this kind.

Taking the Attorney-General's office for a period commencing June, 1875, and ending the same month in 1879, and we find the following aggregate cost, year by year, for a few only of the unnecessary items of luxury purchased, and a few only of the vast number of the contingent expenses of that office.

This statement is taken from the official reports of the Attorney-General covering the period named. It should be remembered that the money so expended came out of the pockets of the taxpayers of the United States.

#### REPORT OF 1875.

##### THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage.....	\$840 00	
Livery (3) horses.....	903 00	
Horseshoeing.....	101 00	
Medical attendance.....	2 00	
Carriage repairs.....	399 63	
Harness and repairs.....	178 62	
		\$2,424 25
Street-car tickets.....	59 70	
PARTISAN NEWSPAPER SUBSCRIPTIONS PAID FOR BY THE TAXPAYERS.....	64 00	
LITERATURE.....	59 25	



## MISCELLANEOUS.

Washing towels.....	\$165 14	
Hack hire.....	4 50	
Portrait Attorney-General Ackerman.....	500 00	
Visiting cards.....	2 00	
Trip to Long Branch.....	188 59	
		\$810 23
Summary.....		\$3,417 43

## REPORT OF 1876.

## THE OFFICIAL CARRIAGE.

Driver of Department carriage.....	\$787 11	
Livery (3) horses.....	912 50	
Horseshoeing.....	72 25	
Repairing carriages.....	293 79	
Harness.....	102 00	
New carriage.....	650 00	
		\$2,817 65
Street-car tickets.....		72 07
PARTISAN NEWSPAPERS PAID FOR BY THE TAXPAYERS.....		73 75
LITERATURE.....		116 50

## MISCELLANEOUS.

Two trips to Long Branch.....	53 29	
Re-upholstering 1 sofa and 7 chairs.....	100 00	
J. W. McKnight, of the Feather Dusting Legislature, $\frac{1}{4}$ chamois skin.....	5 00	
2 pairs gloves.....	6 00	
2,000 visiting cards (Mrs. Taft).....	12 00	
80 packs do. do. and printing.....	60 00	
Portrait Attorney-Gen. Taft.....	750 00	
do. Judge Clifford.....	456 00	
Electric bell.....	40 00	
One rep couch.....	80 00	
Washing towels.....	340 43	
		\$1,852 72
Summary.....		\$4,932 69

## REPORT OF 1877.

## THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage.....	\$840 00	
Livery (2) horses.....	688 23	
Medicine.....	1 75	
Hire of Horse.....	18 00	
Purchase of new horse.....	300 00	
Horseshoeing.....	85 13	
New carriage.....	600 00	
New harness.....	103 00	
Repair of carriage.....	186 30	
		\$2,822 51
Street-car tickets.....		52 10
PARTISAN NEWSPAPER SUBSCRIPTIONS PAID FOR BY THE TAXPAYERS.....		95 75
LITERATURE:—		
Life of Prince Consort.....	\$2 00	
Life of Marie Antoniette.....	2 50	
Life of Seward.....	5 20	
North American Review.....	5 00	
British Quarterly.....	7 50	
		\$22 20

## MISCELLANEOUS.

Washing towels.....	\$144 00	
MILK.....	25	
Carpets, &c.....	83 25	
TRIP TO LONG BRANCH.....	43 00	
Portrait of Attorney-General Pierrepont.....	1,305 00	
Frame.....	35 00	
CLORALUM.....	50	
		1,611 00
Summary.....		\$4,603 56

## REPORT OF 1878.

## THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage.....	\$840 00	
Livery (3) horses.....	714 15	
Horseshoeing.....	98 85	
Carriage repairs.....	221 80	
Harness and repairs.....	84 75	
Horse purchased.....	335 00	
		\$2,894 55
Street-car tickets.....		81 23
PARTISAN NEWSPAPER SUBSCRIPTIONS PAID FOR BY THE TAXPAYERS.....		\$102 00

## MISCELLANEOUS.

Lounge.....	25 00	
Tapestry.....	226 56	
Summer trip Attorney-General to Colorado.....	184 65	
Summer trip Attorney-General to Long Branch.....	39 75	
Portrait Ex-Attorney-General Taft.....	750 00	
Washing towels.....	182 40	
		1,408 36
Summary.....		\$3,986 13

## REPORT OF 1879.

## THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage.....	\$840 00	
Livery (2) horses.....	556 84	
Medical attendance on same.....	6 00	
Horse hire.....	51 50	
Purchase of two horses.....	525 00	
Horseshoeing.....	79 50	
New carriage.....	550 00	
Repairs on carriage.....	286 41	
Harness and repairs.....	185 15	
Two whips.....	2 00	
		3,072 40
Street car tickets.....		150 50
PARTISAN NEWSPAPER SUBSCRIPTIONS PAID FOR BY THE TAXPAYERS.....		98 35
LITERATURE.....		158 25

## MISCELLANEOUS.

Sweeping office.....	240 00	
Trips to Long Branch and New York.....	1,103 77	
Trips to Huntsville.....	92 75	
Towels.....	14 50	
Washing towels.....	203 86	
Sweet oil.....	1 00	
Chlorine.....	1 00	
Upholstering two sofas.....	25 00	
Feather dusters.....	7 00	
Electric bell.....	73 50	
500 VISITING CARDS.....	7 50	
One ream CREAM NOTE.....	4 50	
One SMYRNA RUG.....	18 00	
One mat.....	10 50	
One corkscrew.....	25	
Two settees and chairs.....	111 00	
Bookcases.....	369 00	
		2,283 13
Summary.....		\$5,762 63

## RECAPITULATION.

YEAR.	WHEN REPORTED.	ATTORNEY-GENERAL.	AMOUNT.
1874	Reported 1875	Williams.	\$3,417 43
1875	" 1876	Pierrepont.	4,932 69
1876	" 1877	Taft.	4,603 58
1877	" 1878	Devens.	3,986 13
1878	" 1879	Devens.	5,762 63

Total for five years' luxuries for the Attorney-General's office, \$23,702.44.



## LANDAULET WILLIAMS OUTDONE.

It will be observed that Landaulet Williams, who has been so bitterly abused on account of official extravagance in the matter of the purchase of a "department carriage," has been outdone by his successors. Pierrepont, for the same manner of luxuries expended more than did Williams out of the department contingent fund. Taft exceeded Pierrepont's expenditures in the same line, and the aristocratic Devens has run the expenditures for the same items up to \$5,762.63, as against \$3,417.43 expended in his last year by Williams.

This is but one of the many instances which show that Hayes' administration is tainted with the same luxurious extravagance that made Grant's a reproach to the country.

## FAVORITISM IN ENFORCEMENT OF JUDGMENTS.

## FAT TIMES FOR SPECIAL ASSISTANTS.

From the report of the Attorneys-General from June 30, 1874, to June 30, 1879, it appears that the total amount of judgments obtained in the Federal courts in civil and criminal causes was .....	\$16,516,580 33
and the total amount realized from collections .....	5,599,495 22
Balance uncollected .....	\$10,917,385 11

It also appears from the same reports from June 30, 1874, to June 30, 1879, that the amount paid by the government on account of causes farmed out to special assistant attorneys was \$142,249.37.

Thus it will be seen that under Republican administration even the Federal judiciary has become debauched, and judgments obtained for money due the United States from its defaulting agents have been permitted to lapse through political favoritism. It has been by such crooked practices in the courts of justice held by political judges, whose judgments have been placed in the hands of political strikers for execution, that during the few years referred to nearly eleven million dollars have been suffered to go uncollected, in order that political favorites, unworthy Federal officials in a large number of cases, might go scot free.

## OFFICIAL INCOMPETENCY.

In the same connection it will be seen that the huge army of attorneys-general, assistant attorneys-general, *regular* assistant attorneys-general, and special assistants strewn thickly around our Federal courts all over the country, have, during four or five years past, been so terribly overworked, taking pleasure excursions, driving fast teams, reading literary works, paying and interchanging visits per card, testing electric bells, sampling \$5 chamois skins, drinking milk, etc., etc., all at the expense of the taxpayers of the United States, that they have been obliged to call to their assistance an army of *special* assistant attorneys-general to enable them to get along with the public business.

## EXPENSES OF UNITED STATES COURTS.

### ALARMING INCREASE IN THE PAST TWENTY-FIVE YEARS.

Below will be found a table making comparisons of the cost of the Federal Courts before and since 1860. From this it appears that the average cost of the Federal Judiciary in 1850 was .021 *per capita*, a little more than two cents; in 1860 was .03 *per capita*, a little more than three cents; in 1870 was .0572 *per capita*, nearly six cents. Whilst the increase in the decade from 1860 to 1870 has been at the rate exceeding 131 per cent., the increase for the decade from 1865 to 1875, has been at the rate of 104 per cent., and is constantly augmenting. Much of this extravagance is due to payments for partisan election work by partisan supervisors of election and deputy marshals. As a country increases its population to the square mile, these expenses should decrease as compared with the denser population. The reverse is the case under Radical rule. Whilst the character of the judiciary has deteriorated, its expenses have augmented:

#### FOR THE YEARS 1850, 1860, 1865, 1870 AND 1875.

1850 .....	\$497,558 54
1860 .....	936,477 61
1865 .....	1,192,272 84
1870 .....	2,162,109 82
1875 .....	3,332,182 27
2 years, 1850 and 1860 .....	1,434,036 15
2 years, 1870 and 1875 .....	5,494,292 09
1865 .....	1,192,272 84
1875 .....	3,332,182 27



## SHERMAN'S PET BANK.

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HOW IT HELPED HIM REFUND THE DEBT—A MONOPOLY OF THE FOUR PER CENT. BONDS—\$115,000,000 MADE OFF THE GOVERNMENT—\$5,000,000 BORROWED FROM THE BANK AND NEVER PAID BACK.

Secretary Sherman, at the conclusion of his funding operations in the fall of 1879, sent out a letter of congratulation to the people claiming that he had saved to the government millions of dollars of interest. "The great Secretary" failed, however, to state in his pronouncement that at the very time of this wasted saving he gave away hundreds of thousands of dollars to pet banks, which could also have been saved to the people. The return to prosperity in 1879 made the government bonds a very desirable security. Sherman and Hayes, in their report to Congress, were claiming much credit for resumption and the refunding operations, which in reality they had little to do with.

*The refunding of the ten-forty bonds into four per cent. is a disgraceful history.*

There were \$740,000,000 of the four per cent. bonds sold at par, and a half of one per cent. commission, netting the government 99½ cents. The market value of the four per cents can be put at \$1.07, which would make the \$740,000,000 of four per cents worth \$851,800,000. But at 99½ they netted the government only \$736,300,000, or a profit to the speculators of \$115,500,000. The principal purchaser was the First National Bank of New York, the heir and successor of the notorious Jay Cooke, McCulloch & Co. This bank, with a capital of only half a million dollars, on the 14th of June, 1879, owed the government \$128,109,071 for bonds.

In a circular issued October 7th, 1879, the bank boasted that it had sold over \$400,000,000 of the \$737,157,050 of four per cents issued up to that time.

It was an institution of obscure and uncertain credit at the time its present owners came into control, which, singularly enough, was of the same date as the incoming of the present administration. In so short a time it has acquired a relation with the government that the Bank of England and the Rothschilds could never accomplish with any government.

The four per cent. bonds were selling rapidly and on better terms for the government. Private and state trusts were being converted into these bonds. They were becoming inevitably a popular security, when Mr. Sherman suddenly announces that he has received subscriptions for all that he can sell; that is, that over \$150,000,000 have been subscribed for, which will enable him to take up all the ten-forty (higher rate of interest bonds) that will fall due for two years. This, he said, was a saving of interest for two years. But it took time to learn what the Secretary failed to state: that he had *given his pet bank the monopoly* of these bonds. In two days they were at a premium of two per cent. Of the ten-forty called bonds the national banks had nearly \$100,000,000 on deposit with the government for their security. With the call their interest stopped. Of course, the banks would desire to replace them with an interest bearing bond. The only bond to be purchased was the four per cent. bond, which the pet bank now controlled. Inside of a week this bond was raised to a premium of 106. If Mr. Baker, the cashier, refused to sell a bond at 102½, inside of an hour the gov-

ernment four per cents were quoted at 102½, and so the premium was forced up. The national banks, mostly in the West, which had the ten-forties, were compelled to buy the four per cents of the First National Bank of New York. Some of the national banks held off and did not readily come to terms, saying they would rather lose the interest than be fleeced by Mr. Sherman's bank. The latter institution, by reason of this, soon found itself in a predicament. By arbitrary action it kept up the price of four per cents.

On the first of August, 1879, one of its subscriptions for forty millions fell due. Mr. Sherman was in the Maine campaign at the time. Mr. Gilfillen, Treasurer of the United States, needing some money to pay interest, made a draft upon the bank for six million dollars. The bank was not selling many bonds, and could not pay the draft. It had overreached itself. It had put the bonds at too high a premium. The bank telegraphed Mr. Sherman in Maine and Mr. Sherman telegraphed Mr. Gilfillen not to press his draft. Then Mr. Sherman hurriedly left Maine for Washington and issued an order extending the time for payment by the bank two months. Mr. Sherman then went to Ohio to make speeches and tell the people how well he had refunded the debt. With his first speech, however, came the publication of his transactions with the pet bank. He made a poor effort at explanation before the Cincinnati Chamber of Commerce, saying the bank did not take actual possession of the bonds until paid for, but he did not say that the bank had the coupons and up to that time had drawn *eight hundred thousand dollars' interest*.

The exposure run Mr. Sherman out of Ohio, where he had engaged himself for ten speeches. On his return to Washington he issued an order that no news was to be given to the press, except on his order, by any employee of the Treasury Department. The exposure which drove him out of Ohio had leaked from the treasury. This pet bank and its associates were then levied upon for money to help elect Foster over Ewing as Governor of Ohio.

The First National Bank finally paid for its bonds *after having them five months on credit*, and during which time it regularly drew the interest.

#### A LOAN ON GOOD TERMS SECURED.

This bank, as before stated, is the heir of and pretty much owned by the former Jay Cooke concern, of which John Sherman was a stockholder.

In 1877, when Mr. Hayes was anxious to get Packard, who had received more votes than he had in Louisiana, out of the gubernatorial fight, he sent a commission to accomplish his end. Below is the correspondence which shows how this same bank advanced the money. Mr. Sherman has since had the audacity to ask Congress to appropriate it, but as yet the bank must be contented with its pay in the way of profits on the bonds. Charles F. Conant was Assistant Secretary of the Treasury, and went through that open passage way between the Treasury Department and the syndicate to become the London mutual friend of the treasury and the syndicate. He is now Mr. Sherman's confidential agent abroad.

(Private and confidential.)

TREASURY DEPARTMENT, March 23, 1877. }

GEORGE T. BAKER, Cashier First National Bank, N. Y.

*My Dear Mr. Baker:* The President has decided to send a commission, composed of men of prominence and respectability, to some of the Southern states for the purpose of healing, if possible, the present political difficulties which exist in them. It is also hoped that this course will secure to the administration and the government the moral support and aid of the persons residing in Southern localities. The only practical difficulty in the way of carrying out this grand



project arises from the want of an appropriation. Your bank can remove that difficulty, and it is for the purpose of securing your aid in this matter that I address this letter to you, believing that you will cheerfully co-operate in a work which has for its aim and object the peaceful solution of grave and perplexing difficulties. The amount which will be required will probably fall between \$3,000 and \$5,000. What I have to suggest is this : that your bank advance the money to some person who will be appointed the disbursing agent and receive from him the vouchers, which he will take when he makes the disbursement. When Congress convenes again a deficiency appropriation will be asked for by the Executive for the purpose indicated above, and what you shall advance will be promptly returned to you. I do not think there can be any hazard or risk in this matter, or I would not suggest it. I have thought also that you would be pleased to have the opportunity to render the aid which is so much needed for a good purpose at this time. I shall be glad to receive an early reply to this letter.

With much respect, I am truly yours,

(Signed.)

CHARLES F. CONANT.

The Treasury Department but Congress has not performed.

Baker's answer was as follows :

FIRST NATIONAL BANK, N. Y., March 24, 1877.

*My Dear Conant:* I am in receipt of your letter of yesterday in regard to making an advance of money for the expenses of the commission to be appointed by the President to visit the Southern states, and beg to say that the bank will take pleasure in extending the accommodation in the manner requested.

(Signed)

Yours, truly,

GEO. F. BAKER.

James D. Powers, a treasury clerk, and a stenographer, both paid by the treasury, were detailed to go with the commission.

Conant then writes:

TREASURY DEPARTMENT,

Washington, D. C., March 29, 1877.

*My Dear Mr. Baker:* Enclosed I send you a copy of a letter addressed to the gentlemen composing the commission about to visit the South, from which you will see that Mr. Jas. D. Powers, of this department is to act as disbursing agent.

The committee will probably leave here Monday next, and I will thank you to transmit to Mr. Power, *in my care*, a draft in his favor for \$5,000.

Truly yours,

(Signed)

CHAS. F. CONANT.

The enclosure is as follows:

TREASURY DEPARTMENT, March 28th, 1877.

Addressed to LAWRENCE, HARLAN, BROWN, HAWLEY and McVEIGH.

*Gentlemen:* This will be presented to you by Mr. Jas. D. Powers, a clerk of this department, who has been detailed to accompany you on your proposed trip South, in the capacity of disbursing agent. He will also provide for your transportation and subsistence, and will make such other arrangements as may be necessary for your comfort and convenience. Mr. Power has the confidence of the department and is a trustworthy gentleman.

Very respectfully,

(Signed)

JOHN SHERMAN, Sec'y.

The five members of this commission in three weeks spent all of the \$5,000 to a cent. John M. Harlan, according to the evidence before the Potter Committee, told General Boynton that he expected to get a place on the United States Supreme bench for his work on this commission, and so he did. He carried his son along with him, whose expenses were also paid out of the common fund.

## CARL SCHURZ AND THE INDIAN BUREAU.

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### ENORMOUS AND WASTEFUL EXPENDITURES.

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#### HAYT'S VILLIANY.

Senator Dawes, Republican, of Massachusetts, in a letter dated July 21st, 1880, to the Springfield, Mass., *Republican*, regarding the removal of the Ponca Indians, said :

“Some one is making up an Indian record for this administration, which it will be hard to defend by the side of the blackest that has gone before.”

Mr. Schurz, about the same week, in a speech at Indianapolis said in glorification of the present administration and its reforms, that he spoke from personal knowledge when he asserted that the Indian bureau had been greatly reformed. The only act that he could point to in support of this statement was the removal of Commissioner Hayt. The record of the Board of Indian Commissioners shows that Mr. Schurz had to be prodded into doing this long-delayed act.

As was shown by the evidence taken before the Board of Indian Commissioners, Mr. Schurz had been repeatedly informed of the true character of his Commissioner of Indian affairs. While serving in such position he was arrested for destroying a savings bank, of which he was one of the directors. At the precise time of his arrest Mr. Schurz was insisting upon the suspension of a federal official in St. Louis, who was under indictment, on the ground that no federal official should be in actual service while under indictment for a crime. Yet he did not suspend Mr. Hayt, and did not remove that official until after it was conclusively proven that he had been using the Indian Bureau to steal a mine in the Far West. What Senator Dawes no doubt refers to in particular are the constant violations of faith with the Indians. The treatment of the Nez Percés, the Poncas, Bannocks and Northern Cheyennes, are but illustrative of the rule which guides Mr. Schurz in his dealings with the Indians. The Nez Percés, living a civilized life in Idaho, were the victims of the white man's encroachment. This they resisted and war followed.

Over one million dollars were expended by the government in that war. At last Joseph, after carrying on a warfare, which General Miles testifies was free from all brutality, surrendered. The terms of his surrender were that he and his people should be allowed to return to their reservation in Idaho, where his tribe had always lived. The contractors of the Indian Bureau objected. There was more money to be made by having the Indians sent to the Indian territory. The malarial cli-



mate had its natural effect upon people who had come from the invigorating and cool air of Idaho. The death rate was thirty per cent. a year. In vain they have appealed for justice, but are still kept prisoners in a country to them absolutely pestilential. The Sioux were promised a reservation near the Missouri River. They were deceived and sent into the back country. By this maneuver contractors could get more compensation for hauling the stores and provisions.

Senator Dawes from the select committee of the Senate to inquire into the removal of the Poncas reports as follows :

"In concluding that branch of the subject matter with which the committee is charged, that requires of them to inquire into the circumstances of the removal of the Poncas, the committee find that they were one of the most peaceable of all the Indian tribes, that they were dwelling upon a reservation which they had occupied ever since they were known as a tribe, under words of absolute grant from the United States, accompanied by a covenant of peaceable enjoyment during their good behavior; that without their knowledge and without compensation and without a shadow of complaint against them as a tribe, the United States included their reservation by mistake of boundaries within the limits of the reservation set apart from the Sioux; that the United States has never undertaken to compensate them in any way for this attempting to deprive them of their home; that to relieve themselves of the difficulties in which this mistake had involved the United States, they undertook to remove the Poncas from their home and provide for them elsewhere and Congress authorized their removal to the Indian Territory if they should give their free consent to such removal; that the government failing to obtain such free consent, removed them by force and placed them where they now are against their will, leaving their houses and all other property which they were unable to take with them and lodging them in a hot, and to them an inhospitable climate; that they have suffered greatly from the time of their removal to the present time, and have been thereby greatly diminished in numbers; that they are at the present moment discontented, discouraged, and disheartened, and are making no progress toward self-support; that this proceeding on the part of the United States was without justification, and was a great wrong to this peaceable tribe of Indians, and demands at the hands of the United States speedy and full redress."

In vain the Poncas have asked for justice at Mr. Schurz's hands, as do all these tribes. When Mr. Schurz does as he did with the Poncas, he orders one of his agents to take to Washington some of the head chiefs. Arriving in Washington they are given *carte blanche*. Thousands of dollars are spent upon them during their sojourn at the Capital. All this is for the purpose of making them forget the wrong that has been done them.

#### COST OF THE SYSTEM.

Mr. Schurz's management has not decreased the cost of the Indian service. The annual average is over five million dollars. The annual average under Democratic rule up to 1861 was three million dollars. A comparison of the cost of the care of the Indians in this country with those in Canada, gives an illustration of the thieving, and of the extent to which it is carried on. There are 94,324 Indians scattered over the Canadian domain. The annual cost per head is \$2. Many of them have become prosperous farmers. Above all they are peaceable. By the honest operation of the Canadian system a large reserve fund has been created, the interest on which will before long maintain and make the Indians independent. The census as taken by the Indian Bureau shows 275,000 Indians in this country. It is an undisputed fact that the Indian agents exaggerate the number of Indians,

so that they may get larger allowances for their care. But at their figures the cost is \$24 per head, and in Canada it is done vastly better at \$2 a head.

No definite knowledge can be obtained of the detail of expenditure of the millions Congress is called upon annually to appropriate for the care of these "Wards of the Nation."

Such items as the following are found in the reports:

Civilization and subsistence of Indians on the Malheur reservation.....	\$48,057 64
Collecting and subsisting Apaches.....	4,182 00
Expense of Indian delegation visiting Washington.....	13,544 00

The names of the agents are given, but how this money is expended is left for them to show in whatever manner they please. They can make out their vouchers for thousands of dollars, almost as sure of payment as if they called for as many cents.



## ANOTHER EX-CABINET OFFICER BROUGHT TO GRIEF.

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HISTORY OF A TRANSACTION MORE DISGRACEFUL THAN THE CREDIT MOBILIER  
AND DE GOLYER FRAUDS, AS TOLD BY THE SUPREME COURT OF THE  
UNITED STATES.

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THE KIND OF MAN MR. GARFIELD SELECTED FOR CHAIRMAN OF THE REPUBLICAN  
NATIONAL COMMITTEE.

For several weeks after the nomination of Mr. Garfield the chairmanship of the Republican National Committee went begging. Don Cameron was made sick, "nigh unto death," by the victory of Garfield and the crushing defeat of Grant at Chicago. To heal the wounds inflicted by the mad factions in that convention Mr. Garfield and his friends implored Cameron to remain at the head of the National Committee; but Mr. Cameron was in a bad humor and positively declined. They next offered the vacant post to William E. Chandler, with the hope of reconciling the friends of Blaine, but the "Plumed Knight" ordered his wily henchman to reject it. The doubtful honor went begging another week. At length the friends of Mr. Garfield betook themselves to Utica, and began coquetting with Senator Conkling. They offered the chairmanship to the Hon. Thomas C. Platt, Mr. Conkling's friend, with protestations of unfailing loyalty to the "head and summit of the human race," and dutiful affection for the New York Senator. Mr. Conkling was also sick. Sprague's shotgun at Cananohet, and Grant's Waterloo at Chicago, had soured his temper. Mr. Platt was not permitted to accept the chairmanship. Several other Republican statesmen were implored to accept it, but each in turn declined.

At length, in great despair, Mr. Garfield turned to his old friend, MARSHALL JEWELL, of Connecticut. "A fellow-feeling makes men wondrous kind." Mr. Jewell had been Postmaster-General under Grant, who unceremoniously kicked him out of that office. Garfield had been caught in two schemes of fraud with scarcely a parallel in history. Jewell had been caught in a transaction even more disgraceful, but not so well known to the public. The chairmanship was offered to Mr. Jewell and promptly accepted.

The public may learn who this Chairman of the Republican National Committee is by reading the following opinion of the Supreme Court of the United States, as reported in the 4th volume of Otto's Reports, p. 506.

ALLORE }  
vs. } In the Supreme Court of the United States, October Term, 1876.  
JEWELL. }

Appeal from the Circuit Court of the United States for the Eastern District of Michigan.

The facts are stated in the opinion of the court.

Mr. Alfred Russell for the appellant.

Mr. A. B. Maynard, contra.

Mr. Justice Field delivered the opinion of the court.

This is a suit brought by the heir-at-law of Marie Genevieve Thibault, late of Detroit, Mich., to cancel a conveyance of land alleged to have been obtained from her a few weeks before her death, when, from her condition, she was incapable of understanding the nature and effect of the transaction.

The deceased died at Detroit, on the 4th of February, 1864, intestate, leaving the complainant her sole surviving heir-at-law. For many years previous to her death, and until the execution of the conveyance to the defendant, she was seised in fee of the land in controversy situated in that city, which she occupied as a homestead.

In November, 1863, the defendant obtained from her a conveyance of this property.

A copy of the conveyance is set forth in the bill. It contains covenants of seisin and warranty by the grantor, and immediately following them an agreement by the defendant to pay her \$250 upon the delivery of the instrument; an annuity of \$500, all her physician's bills during her life, the taxes on the property for that year, and all subsequent taxes during her life; also, that she should have the use and occupation of the house until the spring of 1864, or that he would pay the rent of such other house as she might occupy until then. The property was then worth, according to the testimony in the case, between \$6,000 and \$8,000. The deceased was at that time between sixty and seventy years of age, and was confined to her house by sickness from which she never recovered. She lived alone in a state of great degradation, and was without regular attendance in her sickness. There were no persons present with her at the execution of the conveyance except the defendant, his agent and his attorney. The \$250 stipulated were paid, but no other payment was ever made to her; she died a few weeks afterwards.

As grounds for canceling this conveyance, the complainant alleges that the deceased, during the last few years of her life, was afflicted with lunacy or chronic insanity, and was so infirm as to be incapable of transacting any business of importance; that her last sickness aggravated her insanity, greatly weakened her mental faculties, and still more disqualified her for business; that the defendant and his agent knew of her infirmity, and that there was no reasonable prospect of her recovery from her sickness, or of her long surviving, when the conveyance was taken; that she did not understand the nature of the instrument, and that it was obtained for an insignificant consideration, and in a clandestine manner without her having any independent advice.

These allegations the defendant controverts, and avers that the conveyance was taken upon a proposition of the deceased; that at the date of its execution she was in the full possession of her mental faculties, appreciated the value of the property, and was capable of contracting with reference to it, and of selling or otherwise dealing with it; that since her death he has occupied the premises, and made permanent improvements to the value of \$7,000; and that the complainant never gave him notice of any claim to the property until the commencement of this suit.

The court below dismissed the bill, whereupon the complainant appealed here. The question presented for determination is, whether the deceased, at the time



she executed the conveyance in question, possessed sufficient intelligence to understand fully the nature and effect of the transaction ; and, if so, whether the conveyance was executed under such circumstances as that it ought to be upheld, or as would justify the interference of equity for its cancellation.

Numerous witnesses were examined in the case, and a large amount of testimony was taken. This testimony has been carefully analyzed by the defendant's counsel ; and it must be admitted that the facts detailed by any one witness with reference to the condition of the deceased previous to her last illness, considered separately and apart from the statements of the others, do not show incapacity to transact business on her part, nor establish insanity, either continued or temporary. And yet when all the facts stated by the different witnesses are taken together, one is led irresistibly by their combined effect to the conclusion, that, if the deceased was not afflicted with insanity for some years before her death, her mind wandered so near the line which divides sanity from insanity as to render any important business transaction with her of doubtful propriety, and to justify a careful scrutiny into its fairness.

Thus, some of the witnesses speak of the deceased as having low and filthy habits, of her being so imperfectly clad as at times to expose immodestly portions of her person ; of her eating with her fingers, and having vermin on her body. Some of them testify to her believing in dreams, and her imagining she could see ghosts and spirits around her room, and her claiming to talk with them ; to her being incoherent in her conversation, passing suddenly and without cause from one subject to another ; to her using vulgar and profane language ; to her making immodest gestures ; to her talking strangely, and making singular motions and gestures in her neighbors' houses and in the streets. Other witnesses testify to further peculiarities of life, manner, and conduct ; but none of the peculiarities mentioned, considered singly, show a want of capacity to transact business. Instances will readily occur to every one where some of them have been exhibited by persons possessing good judgment in the management and disposition of property. But when all the peculiarities mentioned, of life, conduct, and language, are found in the same person, they create a strong impression that his mind is not entirely sound ; and all transactions relating to his property will be narrowly scanned by a court of equity, whenever brought under its cognizance.

The condition of the deceased was not improved during her last sickness.

The testimony of her attending physician leads to the conclusion that her mental infirmities were aggravated by it. He states that he had studied her disease, and for many years had considered her partially insane, and that in his opinion she was not competent in November, 1863, during her last sickness, to understand a document like the instrument executed. The physician also testifies that during this month he informed one Dolsen, who had inquired of the condition and health of the deceased, and had stated that efforts had been made to purchase her property, that in his opinion she could not survive her sickness, and that she was not in a condition to make any sale of the property "in a right way."

This Dolsen had at one time owned and managed a tannery adjoining the home of the deceased, which he sold to the defendant. After the sale, he carried on the business as the defendant's agent. Through him the transaction for the purchase of the property was conducted. The deceased understood English imperfectly, and Dolsen undertook to explain to her, in French, the contents of the paper she executed. Some attempt is made to show that he acted as her agent ; but this is evidently an afterthought. He was in the employment of the defendant, had charge of his business, and had often talked with him about securing the

property ; and in his interest he acted throughout. If the deceased was not in a condition to dispose of the property, she was not in a condition to appoint an agent for that purpose.

The defendant himself states that he had seen the deceased for years, and knew that she was eccentric, queer, and penurious. It is hardly credible that during those years, carrying on business within a few yards of her house, he had not heard that her mind was unsettled ; or, at least, had not inferred that such was the fact, from what he saw of her conduct. Be that as it may, Dolsen's knowledge was his knowledge ; and when he covenanted to pay the annuity, some inquiry must have been had as to the probable duration of the payments. Such covenants are not often made without inquiries of that nature ; and to Dolsen he must have looked for information, for he states that he conversed with no one else about the purchase. With him and with his attorney he went to the house of the deceased, and there witnessed the miserable condition in which she lived, and he states that he wondered how anybody could live in such a place, and that he told Dolsen to get her a bed and some clothing. Dolsen had previously informed him that she would not sell the property ; yet he took a conveyance from her at a consideration which, under the circumstances, with a certainty almost of her speedy decease, was an insignificant one compared with the value of the property.

In view of the circumstances stated, we are not satisfied that the deceased was, at the time she executed the conveyance, capable of comprehending fully the nature and effect of the transaction. She was in a state of physical prostration ; and from that cause and her previous infirmities, aggravated by her sickness, her intellect was greatly enfeebled ; and if not disqualified, she was unfitted to attend to business of such importance as the disposition of her entire property, and the securing of an annuity for life. Certain it is, that in negotiating for the disposition of the property, she stood, in her sickness and infirmities, on no terms of equality with the defendant, who with his attorney and agent, met her alone in her hovel to obtain the conveyance.

It is not necessary, in order to secure the aid of equity, to prove that the deceased was at the time insane, or in such a state of mental imbecility as to render her entirely incapable of executing a valid deed. It is sufficient to show that, from her sickness and infirmities, she was at the time in a condition of great mental weakness, and that there was gross inadequacy of consideration for the conveyance. From these circumstances, imposition or undue influence will be inferred. In the case of *Harding vs. Wheaton*, reported in the 2d of Mason, a conveyance executed by one to his son-in-law, for a nominal consideration, and upon a verbal arrangement that it should be considered as a trust for the maintenance of the grantor, and after his death for the benefit of his heirs, was, after his death set aside, except as security for actual advances and charges, upon application of his heirs, on the ground that it was obtained from him when his mind was enfeebled by age and other causes. "Extreme weakness," said Mr. Justice Story, in deciding the case, "will raise an almost necessary presumption of imposition, even when it stops short of legal incapacity ; and though a contract, in the ordinary course of things, reasonably made with such a person might be admitted to stand, yet if it should appear to be of such a nature as that such a person could not be capable of measuring its extent or importance, its reasonableness or its value, fully and fairly, it cannot be that the law is so much at variance with common sense as to uphold it." The case subsequently came before this court ; and, in deciding it, Mr. Chief Justice Marshall, speaking of this, and, it would seem, of other deeds executed by the deceased, said : "If these deeds were ob-



tained by the exercise of undue influence over a man whose mind had ceased to be the safe guide of his actions, it is against conscience for him who has obtained them to derive any advantage from them. It is the peculiar province of a court of conscience to set them aside. That a court of equity will interpose in such a case is among its best-settled principles" (*Harding v. Handy*, 11 Wheat., 125).

The same doctrine is announced in adjudged cases, almost without number; and it may be stated as settled law, that whenever there is great weakness of mind in a person executing a conveyance of land, arising from age, sickness, or any other cause, though not amounting to absolute disqualification, and the consideration given for the property is grossly inadequate, a court of equity will upon proper and seasonable application of the injured party, or his representatives or heirs, interfere and set the conveyance aside. And the present case comes directly within this principle.

In the recent case of *Kempson v. Ashbee*, 10 Ch. Cas., 15, decided in the Court of Appeal in Chancery in England, two bonds executed by a young woman, living at the time with her mother and stepfather, one, at the age of twenty-one, as surety for her stepfather's debt, and the other, at the age of twenty-nine, to secure the amount of a judgment recovered on the first bond, were set aside as against her, on the ground that she had acted in the transaction without independent advice; one of the justices observing that the Court had endeavored to prevent persons subject to influence from being induced to enter into transactions without advice of that kind. The principle upon which the court acts in such cases, of protecting the weak and dependent, may always be invoked on behalf of persons in the situation of the deceased spinster in this case of doubtful sanity, living entirely by herself, without friends to take care of her, and confined to her house by sickness. As well on this ground as on the ground of weakness of mind and gross inadequacy of consideration, we think the case a proper one for the interference of equity, and that a cancellation of the deed should be decreed.

The objection of the lapse of time—six years—before bringing the suit cannot avail the defendant. If during this time, from the death of witnesses or other causes, a full presentation of the facts of the case had become impossible, there might be force in the objection. But as there had been no change in this respect to the injury of the defendant, it does not lie in his mouth, after having, in the manner stated, obtained the property of the deceased, to complain that her heir did not sooner bring suit against him to compel its surrender. There is no statutory bar in the case. The improvements made have not cost more than the amount which a reasonable rent of the property would have produced, and the complainant, as we understand, does not object to allow the defendant credit for them. And as to the small amount paid on the execution of the conveyance, it is sufficient to observe that the complainant received from the administrator of the deceased's estate only \$113.42; and there is no evidence that he ever knew that this sum constituted any portion of the money obtained from the defendant. A decree must, therefore, be entered for a cancellation of the deed of the deceased and a surrender of the property to the complainant, but without any accounting for back rents, the improvements being taken as an equivalent for them.

*Decree reversed and cause remanded, with directions to enter a decree as thus stated.*

## PRESIDENTIAL LUXURIES.

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HOW THE PEOPLE ARE TAXED TO PAY FOR DOGS, COUPÉS, CARRIAGES, CROQUET SETS, CHINA DINNER SERVICE, ETC., FOR THE WHITE HOUSE.

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### R. B. HAYES IN A NEW ROLE.

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The simple habits and straightforward honesty of Democratic Presidents made the White House the pride of every citizen. From the humblest to the highest, all were welcomed there with a cordial and unaffected hospitality. The inmates of the Executive Mansion, in the good old Democratic days, treated all visitors alike, whether they were the laboring poor, clad in homespun, or fortune's favorites done up in broadcloth, or in satin and silk. In those days the President of the United States was proud to acknowledge himself the *servant* of the people, and not their *master*.

But all this has changed. Under Republican rule official snobbery at the White House has made that home of the Presidents offensive to plain and honest people. Democratic simplicity has been superseded by a code of mannerism about as little understood by the multitude as were the mysteries of the Holy Vehm by Continental rustics in the middle ages. But while the general public know but little about the aristocratic social system of the White House, by reason of the exclusiveness of its inmates, even less is known about its financial management.

With the introduction of this imperial code of manners, came that mania for luxury and extravagance which has brought such scandal upon the Executive Mansion of late years. With the advent of Grant came the gift-maker. Thousands of costly presents were showered upon him. Hambletonian colts, bull pups, gold-tipped cigars, expensive libraries and the like, were among the gifts that found their way to the White House. The giver was almost invariably rewarded with a fat office or a remunerative contract.

None but the elect were permitted to visit the official dog kennels, or the official stables, built by Babcock at a cost to the people of \$10,000. The display of blooded animals, poultry, ponies, coupés, splendid carriages, sulkies, drags, and other costly things, was amazing. And it must not be forgotten that all of this expensive stud, including the dogs and their keepers, were maintained by the taxpayers of the country.

A few vouchers, taken at random from the expense accounts of the White House, will serve to show how the taxpayers were made to foot the bills for these official luxuries:



## THE OFFICIAL DOG.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for sundries) to Patrick Sweeny, Dr., 1872. Sept. 30—

For board and care of dog for July, August and September, three months, at \$10. Application: used in place of watchman. \$30 (receipted as above). Paid by check No. 328; dated September 30, 1872, for \$41, on treasurer, Washington.

I certify that the above account is correct and just, the articles to be (or have been) accounted for in my return for the third quarter of 1872.

O. E. BABCOCK, Major of Engineers, U. S. A.

## THE PRESIDENT'S COUPÉ.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairing coupé) To John McDermott &amp; Bros., Dr., 1871.

Oct. 31st—For repairing, trimming and painting government coupé, \$173.50.

Received at Washington, this Nov. 3d, 1871, from Major O. E. Babcock, Corps of Engineers, the sum of one hundred and seventy-three and fifty-one-hundredth dollars, in full payment of the above account. Check No. 76, dated Nov. 3d, 1871, on treasurer at Washington, for \$173.50.

(Signed in duplicate)

JOHN McDERMOTT &amp; BROS.

I certify the above account is correct and just.

O. E. BABCOCK, Major of Engineers, U. S. A.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairs) To J. McDermott &amp; Bros., Dr., 1872. May 31—

For repairing COUPÉ, OFFICE CARRIAGE and BUGGY, from Aug. 8th, 1871, to May 31st, 1872, \$169.15.

Received, June 6th, 1872, from Major O. E. Babcock, Corps of Engineers, the sum of one hundred and sixty-nine and fifteen-one-hundredth dollars, in full payment of the above account. Check No. 255, dated June 5th, 1872, on treasurer at Washington, for \$169.15.

JOHN McDERMOTT &amp; BROS.

I certify that the above account is correct and just.

O. E. BABCOCK, Major of Engineers, U. S. A.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairs) To John McDermott &amp; Bros., Dr., 1872. Sept.

25th—For *thoroughly* repairing, trimming and painting, including new wheels, axles, lamps and trimming complete. Application: "on coupé." \$550.

Received at Washington, D. C., this Oct. 19th, 1872, from Major O. E. Babcock, Corps of Engineers, the sum of five hundred and fifty dollars, in full payment of the above account. Check No. 408, October 19th, 1872, on treasurer at Washington, for \$550.

(Signed in duplicate)

JOHN McDERMOTT &amp; BROS.

I certify that the above account is just and correct.

O. E. BABCOCK, Major of Engineers U. S. A.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairs) To John McDermott & Bros., Dr., 1872. July 2d to Nov. 30th—For painting, trimming and necessary repairs on carriage and buggy. Application: office use. \$215.50.

Received as above, Jan. 29th, 1873. Check No. 476, Jan. 29th, 1873, on treasurer at Washington, for \$215.50.

I certify that the above account is just and correct, the articles to be (or have been) accounted for in my return for the first quarter of 1873.

O. E. BABCOCK, Major of Engineers, U. S. A.

It will appear from these vouchers that the carriage cobbler cost the taxpayers almost as much as the carriage builder; and that the elevation of the dog to the responsible post of watchman brought the canine and human species in direct competition for positions of honor and trust "near the throne."

The æsthetic tastes of the Presidential household have greatly changed since the retirement of Grant. When the Electoral Commission decided to give Hayes the office to which Mr. Tilden had been elected, the country was assured that the manners and morals of the White House would be radically improved. Grant had been profligate in his tastes. He had spent a fortune on his private table, gave rich entertainments, and the crowd at the White House had consumed vast quantities of strong liquors and fine cigars. When Hayes took Mr. Tilden's seat an air of godliness was assumed by the new incumbents. Wines and other abominations were banished from the Executive Mansion. Pious people rejoiced. Religion and morality had found a home at the White House, and nothing stronger than Apollinaris water was allowed there. In a short time there was a lapse from godliness to sin—from Apollinaris water to vulgar whisky and strong wines. The Russian Grand Dukes, Alexis and Constantine, were dined in state at the Executive Mansion. The moral ideas of the fraudulent President vanished before these scions of a royal house. Liquors flowed in abundance, and there was a high old time at the White House. The Grand Dukes departed for Russia and the Hayes household again settled down to their psalm-singing and spring water.

Mr. Hayes soon discovered a taste for innocent sports, for works of art and refined luxury. The taste of his household ran in the same direction. Having a salary of only FIFTY THOUSAND DOLLARS A YEAR, he could not think of gratifying this taste at his own expense. So he decided to make a raid on the Federal treasury. This was shortly after his inauguration. The healthful and innocent game of croquet was in fashion. He could have bought a set for \$10, but it was agreed that nothing but *box-wood balls* would answer for the White House, and they would cost *six dollars more*—a drain that his private fortune could never bear. The following voucher will show how he obtained them at the expense of the taxpayers. It will be observed that this purchase is brought under the head of "*Repairs and Fuel*" for the Executive Mansion, a simple device that no one but a Christian statesman like Mr. Hayes could invent.



## THE OFFICIAL CROQUET SET.

[Form 8.]

Appropriation for Repairs, Fuel, etc., Executive Mansion, 1878. The United States (for furniture) to J. Bradley Adams, Dr.

Date.		Designation.	Application.	Cash.	
				Dollars.	Cents.
1877					
April	24.	For 1 Set Croquet	Refurnishing	10	00
July	10.	" 8 Boxwood Balls	Ex. Mansion	6	00
				\$16	00

Received at Washington, D. C., this 13th day of July, 1877, from Lieut.-Col. T. L. Casey, corps of Engineers, the sum of sixteen Dollars and — cents, in full payment of the above account.

Check No. 624, dated July 13th, 1877, on Treasury of the United States for \$16.  
(Signed in duplicate)

J. BRADLEY ADAMS.

I certify that the above account is correct and just, the articles to be (or have been) accounted for in my return for the 3d quarter of 1877.

THOMAS LINCOLN CASEY,

Lieut.-Col. of Engineers.

At a later date Mr. Hayes became dissatisfied with his carriage. He wanted a more costly vehicle—a luxurious Rockaway, capable of holding a large family. So the disbursing officer of the White House was ordered to buy one and have it charged to the Government.

The purchase was made at a cost of \$800 to the taxpayers of the country as the following voucher shows:

## THE OFFICIAL ROCKAWAY.

Rept. No. 213,467.

W. K. CROOK, Dis. Agent,

Ex. Man. 3d and 4th quarter, 1878.

[Executive Office.]

To ANDREW J. JOYCE, Dr.,

Carriage Manufacturer, Nos. 412, 414, 416 Fourteenth street.

July 15th. To 6 seat-pass. Rockaway..... \$800.00

Rec'd payment,

ANDREW J. JOYCE.

August 25th, 1878.

It has been whispered that, in view of an early retirement to less exciting scenes, this carriage has already been sent to Ohio to be stored.

## IMPERIAL CROCKERY.

In July, 1879, the Hayes family determined to put in practical shape a long cherished scheme to stock the Executive Mansion with crockery suited to the moral tone and elevated tastes that prevailed there.

The Fraudulent President had frequently cheated the taxpayers by saddling on the Government the cost of luxuries purchased for his own private enjoyment; but, like the proofs that showed his defeat in 1876, he no doubt considered the evidence of this petty plundering as *aliunde*. At all events, it was settled that the





4 fruit baskets, Saxon round; color under glaze, grand fire, flowers in panels, by Chabunrier, with crest, etc., at \$11.25.....	45 00
2 fruit baskets, Saxon oval; same decoration; assorted colors, at \$24.35.....	48 70
4 Jardinieres Meissen 2d; same decoration; assorted colors, at \$15.40.....	61 60
2 Jardinieres Meissen 1st; same decoration; assorted colors, at \$29.60.....	59 20
6 Bon-Bon stands, laced edge; fern decoration in centre, by Lyssac, at \$10.15.....	60 90
4 Bon-Bon stands, laced edge, high foot; same decoration, at \$10.15.....	40 60
30 pairs after-dinner coffees, anchor shape (thin, deep saucers), Persian borders, by Renard, with crest, etc., at \$4.95.....	148 50
30 pairs teas, Parisian (thin); same decoration, at \$5.85.....	175 50
30 pairs after-dinner coffees, chrystal (thin), rich decoration, by Jochum, with crest, etc.; cups tinted inside; 12 colors, at \$7.50.....	225 00
30 pairs teas, Parisian 1st, at \$8.35.....	250 50

In United States currency.....\$2,996 50

## ARTICLES OF AGREEMENT.

Articles of agreement entered into this 20th day of February, 1879, between Lieut.-Colonel Thomas Lincoln Casey, Corps of Engineers, United States Army, for and in behalf of the United States, of the first part, and David Haviland, Charles E. Haviland, and Theo. Haviland, partners, doing business under the firm name of Haviland & Co., of New York, in the county of New York, state of New York, of the second part.

This agreement witnesseth that the said parties have mutually covenanted and agreed, to and with each other in the manner following, namely: That the said Haviland & Co. shall, in conformity with their proposal and estimate hereunto attached, and which form a part of this contract, and, with the samples submitted by them for inspection, make and complete, in the best artistic manner of their manufactory, and to the satisfaction of the party of the first, and deliver in complete order at the Executive Mansion, in the city of Washington, D. C., a porcelain service for the state dinner table of the said Mansion, comprising the following pieces, and at the prices annexed, which prices are to be exclusive of import duty; namely:

10 dozen Dinner Plates, @ \$49.85.....	\$498 50
5 " Soup " " 49.85.....	249 25
5 " Fish " " 39.70.....	198 50
5 " Game " " 59.90.....	299 50
5 " Dessert " " 75.35.....	376 75
5 " " " " 51.70.....	258 50
4 Fruit Baskets, " 11.25.....	45 00
2 " " " " 24.35.....	48 70
4 Jardinieres, " 15.40.....	61 60
2 " " " " 29.60.....	59 20
6 Bon Bon Stands, " 10.15.....	60 90
4 " " " " 10.15.....	40 60
30 Pairs after-dinner Coffees, @ \$4.95.....	148 50
30 " Teas, " 5.85.....	175 50
30 " after-dinner Coffees, " 7.50.....	225 00
30 " Teas, " 8.35.....	250 50

Being, for the whole, the sum of two thousand nine hundred and ninety-six dollars and fifty cents (\$2,996<sup>50</sup>/<sub>100</sub>).

That the above costs shall include the marking upon each piece ordered, of the coat-of-arms of the United States, as per sample furnished, together with the year 1879, beneath the same, in small figures.

That the said Haviland & Co. shall commence the manufacture of the articles herein contracted for as soon as possible after the signing of this contract, and deliver the same within six months from the commencement of the work, or as much sooner as is practicable.

That payment shall be made when the articles shall have been delivered and accepted.

In witness whereof the undersigned have hereunto placed their hands and seals, the day and date first above written.

THOMAS LINCOLN CASEY,

Lieut.-Col. of Engineers, U. S. A. [Seal.]

HAVILAND & CO.,

By Theodore Haviland, Att'y [Seal.]

Witnesses:

E. F. CONKLIN,

WILLIAM L. BRIGGS,

E. CAMPBELL.

#### THE TAX-PAYERS FOOT THE BILL.

This rare set of dinner service is charged to the *furniture account* of the Executive Mansion, and the taxpayers of the United States foot the bill. The total cost of this royal outfit is about \$15,000. When Mr. Hayes retires from the White House, like the Rockaway and the croquet set, this china service will find its way to Ohio, to become an heirloom in the family of the First Fraudulent President.

The people will never know how many articles for personal use have been paid for by the government, under the Grant and Hayes' administrations, until a Democratic President is elected.



## EXECUTIVE MANSION.

Total expenditures on account of the Executive Mansion, from March 2d, 1779, to June 30th, 1876, reported to the House of Representatives by the Secretary of the Treasury, May 22, 1878.

<i>Furniture.</i>		
From March 2, 1797, to February 20, 1861.....	\$281,052.92	
" February 20, 1861, to March 3, 1873.....		\$242,980 82
<i>Repairs.</i>		
From March 3, 1807, to March 2, 1861.....	395,073 01	
" March 2, 1861, to April 20, 1870.....		156,948 31
<i>Repairs, Furniture and Fuel.</i>		
From March 3, 1871, to June 23, 1874.....		161,345 00
<i>Library.</i>		
From Sept. 30, 1850, to March 2, 1861.....	3,998 46	
" March 3, 1861, to March 1, 1862.....		251 54
<i>Improvement of Grounds.</i>		
From April 20, 1818, to March 2, 1861.....	149,773 76	
" March 2, 1861, to March 3, 1871.....		119,297 51
<i>Watchman.</i>		
From March 3, 1851, to February 20, 1861.....	11,601 00	
" February 20, 1861, to July 12, 1870.....		14,694 07
<i>Furnace Keeper.</i>		
From March 3, 1855, to February 20, 1861.....	2,842 00	
" February 20, 1861, to July 12, 1870.....		6,527 50
<i>Door Keepers.</i>		
From Aug. 31, 1852, to February 20, 1861.....	10,479 00	
" February 20, 1861, to July 12, 1870.....		10,334 63
<i>Fuel.</i>		
From March 3, 1855, to March 2, 1861.....	8,200 00	
" March 2, 1861, to July 15, 1870.....		38,929 03
<i>Policemen.</i>		
None previous to 1866.....		
From July 23, 1866, to July 12, 1870.....		15,346 58
<i>Repairs of Summer Residence.</i>		
From July 12, 1864.....		3,000 00
<i>Survey of Land for Site for President's Mansion.</i>		
1867.....		2,391 31
<i>Underdraining Grounds and Garden.</i>		
1866.....		994 21

*Total Expenditures from the Commencement of the Government.*

March 2, 1797, to March 2, 1861—72 years.....\$863,020 15

The above includes building the White House and rebuilding same.

From March 2, 1861, to June 23, 1874—13 years.....\$773,040 51

Very nearly as much spent in thirteen years Republican rule as in seventy-two years previous, being less than one-fifth of the time only.

The average per annum for 72 years preceding 1861, \$11,986.39.

Average per annum for 13 years, 1861 to 1874, \$59,387.73.

An increase of \$47,401.34 per annum, or an average increase of 395 per cent. And in this connection it may be remarked that the Executive Mansion was constructed and rebuilt previous to 1861. The amounts \$65,441.90 lavished upon it since that time, and especially since the commencement of Grant's administration, and during the incumbency of Mr. Hayes, have been spent for the comfort and luxuries of the occupants, and not for permanent public improvements.

# EXPENSES OF THE WHITE HOUSE.

Executive Mansion.	Last 4 years of Democratic rule.	Last 12 years of Republican rule.
Annual repairs, including painting, etc.....	\$32,000 00	\$302,345 00
Refurnishing interior, etc. ....	20,000 00	
Care and improvement of grounds south of house .....	5,500 00	113,719 25
Repairs, etc., of greenhouse and plants.....	1,000 00	37,000 00
Fuel, in part for President's house.....	7,200 00	37,000 00
Books for library .....	1,000 00	
Iron fencing around grounds .....		82,000 00
New stables to replace those torn down to make room for Treasury .....	20,000 00	
Care of nursery, etc.....		7,500 00
For trees, tree stakes, lime and stock for nursery .....		13,000 00
For removing snow and ice .....		5,000 00
For flower pots, twine, baskets, and lycopodium.....		3,500 00
For filling, leveling and improving grounds in front of Executive Mansion.....		10,000 00
Total .....	\$86,700 00	\$611,064 25

<b>SALARIES OF EMPLOYEES IN EXECUTIVE MANSION—</b>		
Night watchmen.....	\$3,600 00	\$14,400 00
Door keepers.....	18,000 00	19,360 00
Furnace keeper.....	1,565 00	9,648 00
Policeman .....		18,440 00
Usher.....		22,000 00
Total.....	\$23,165 00	\$83,848 00

<b>SALARIES OF OFFICERS IN THE EXECUTIVE OFFICE—</b>		
President of the United States.....	\$100,000 00	\$500,000 00
Secretary to sign land warrants.....		7,500 00
Private Secretary.....	8,750 00	176,200 00
Assist. Private Secretary.....		
Clerk's Executive (2).....		
Clerks, $\frac{1}{4}$ , $\frac{1}{2}$ , $\frac{3}{4}$ .....		
Steward.....	4,200 00	
Messengers (5).....	3,150 00	25,500 00
Stenographer (1).....		
Telegraph Operator.....		
Contingent expenses, including stationery .....	2,625 00	
Total.....	\$118,725 00	\$709,200 00

## RECAPITULATION.

Executive Mansion.....	\$86,700 00	\$611,064 25
Salaries to employees in same.....	23,165 00	83,848 00
Salaries to officers in same.....	118,725 00	709,200 00
Totals.....	\$228,590 00	\$1,404,112 25

Expenditure during four years of Democratic rule, from 1857 to 1861 .....	\$228,590 00
Expenditure during twelve years of Republican power and misrule, from March 4, 1869, to March 4, 1881 .....	\$1,404,112 25
Average annual expenditure under Republican rule.....	\$117,009 25
Average annual expenditure under Democratic rule .....	\$57,147 50
Average annual saving under Democratic administration .....	\$58,861 85



## THE BOTANICAL GARDEN.

MR. GARFIELD INCREASES THE APPROPRIATIONS FOR BOUQUETS AT THE WHITE HOUSE, AND FOR FLORAL GIFTS BY THE PRESIDENTIAL HOUSEHOLD.

### THE BOUQUET SHOP.

The Botanical Garden at Washington, which is used amongst other purposes to supply bouquets to the White House, and for presentation by the occupants of the Presidential mansion to distinguished persons for social entertainments, has gradually become a great annual charge to the tax-payers. According to the official reports the sum spent on this Bouquet Shop, from the commencement of Republican rule in 1861 to the present year, aggregates \$436,216.66. During the administration of Lincoln and Johnson the appropriations were small, not averaging to exceed \$11,828 per annum, including the erection of buildings. The increased appropriations for this official luxury were begun in Grant's administration, and continued extravagant during the period when Mr. James Garfield held the purse strings as Chairman of the Committee of Appropriations of the House of Representatives, until the advent of the Democratic House, when they were reduced.

The first great increase was for the fiscal year ended June 30th, 1873, being also the first year appropriated for after Mr. Garfield became Chairman of the Committee on Appropriations. The amount he secured for this project in that year was \$43,646, and in the following year he secured the increase to \$56,646. A comparison for the former years appropriated when Mr. Garfield was Chairman of the Appropriation Committee with those appropriated for during the first years of the Forty-fourth and Forty-fifth Congresses (when the House was Democratic) shows the former to have been \$152,959 as against \$69,795, a decrease by the Democratic House under Mr. Garfield's appropriations of \$83,164, being a reduction of more than fifty-four per cent.

Let us now examine the cost of the Botanical Garden from the first year of its little beginning up to the present time, and make the comparison between its cost previous to the extravagant expenditures made upon it by the Republicans and the cost of its maintenance since 1861. The first appropriation for the Garden appears in an item in the Act of 1836. The total expenditures since that date were as follows :

EXPENDITURES ON ACCOUNT OF THE BOTANICAL GARDEN FROM 1836 TO 1866.	
Buildings and Grounds.....	\$42,447.11
Salaries.....	45,496.30
Improvement of Grounds.....	20,600.00
Repairs.....	1,044.16
Total for thirty years.....	\$109,587.57
Being an average of \$3,652.92 per year.	

## EXPENDITURES ON ACCOUNT OF THE BOTANICAL GARDEN FROM 1866 TO 1877.

Buildings and Grounds.....	\$135,156.35
Salaries .....	121,590.07
Improvement of Grounds .....	108,847.99
Repairs .....	7,561.38
Total for eleven years .....	\$373,155.79

Being an average of \$33,923.00 per year.

In other words, the Botanical Garden since 1866 has cost ten times more per annum to support than it did before that period.

Below will be found a correct statement from the official records of the amounts annually appropriated for the Botanical Garden since 1861 :

## U. S. GOVERNMENT EXPENSES FOR BOUQUET SHOP FOR TWENTY YEARS.

YEAR ENDING	APPROPRIATIONS FOR BOTANICAL GARDEN.	YEAR ENDING	APPROPRIATIONS FOR BOTANICAL GARDEN.
1862.....	\$8,612 50	1873 .....	\$43,646 00
1863.....	8,412 50	1874.....	56,646 00
1864.....	8,421 50	1875.....	29,071 00
1865.....	9,445 80	1876.....	23,596 00
1866.....	26,945 80	1877.....	*16,450 00
1867.....	9,445 80	1878.....	*17,400 00
1868.....	16,645 80	1879.....	*20,450 00
1869.....	16,696 00	1880.....	*15,495 00
1870.....	25,296 96	1881.....	*18,883 00
1871.....	31,671 00		
1872.....	32,986 00		\$436,216 66

\* Years appropriated for by the Democratic House.



## DISTRICT OF COLUMBIA.

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COMPARISON OF EXPENDITURES BY THE GENERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA FOR PUBLIC PURPOSES, FROM THE COMMENCEMENT OF THE GOVERNMENT TO JUNE 30, 1876, AS REPORTED TO THE HOUSE OF REPRESENTATIVES BY THE SECRETARY OF THE TREASURY, MAY 22, 1878.

The extravagant expenditures of Republican administrations in the District of Columbia, have been on so grand a scale as to merit and receive the condemnation of the people. It is not complained of that the government should provide for itself the necessary buildings and conveniences for the transaction of the public business, but a large portion of the money chargeable to expenditures in the District of Columbia has been stolen by the rings with which the administration of Gen. Grant, and the Chairman of the Committee on Appropriations of the House, Mr. Garfield, were on intimate relations.

On the 22d of May, 1878, the Secretary of the Treasury made a report to the House of Representatives, which contained all the public expenditures made by the United States, in the District of Columbia for public purposes, from 1797 to 1876, inclusive. This report shows the following facts:

The total amount expended from 1797 to 1861, a period of 64 years, aggregated \$35,478,899.40, being an average of \$554,357.80 per year.

The total amount expended in the District of Columbia for public purposes, from 1861 to 1876 inclusive, a period of 16 years, aggregated \$56,663,496.47, being at the rate of \$3,541,468.53 per year.

Statement of expenditures from the National Treasury in the District of Columbia for streets and avenues.

From April 24, 1800 to March 3, 1861, \$497,378.60, 61 years, or \$8,153.75 per year.

From March 3, 1861 to March 3, 1876, 15 years, \$3,534,930.96, or \$235,662.06 per year.

Comparison by year of expenditures from the national treasury for public purposes in the District of Columbia :

### EXPENDED.

<i>Year.</i>	<i>In</i>	
1873-----	\$8,041,458 56.	
1860-----	1,535,783 59.	Excess, \$6,505,674 97. More than five times as much.
1874-----	5,135,901 01.	
1860-----	1,535,783 59.	Excess, \$3,600,117 42. More than three times as much.
1875-----	6,468,753 64.	
1860-----	1,535,783 59.	Excess, \$4,932,970 05. More than four times as much.
1876-----	5,050,770 95.	
1860-----	1,535,783 59.	Excess, \$4,514,987 36. More than three times as much.

These figures require no explanation—they speak for themselves. It may be attempted to reply to them by saying, that the government has been erecting large and costly buildings in the District since 1861. This is true; but it is also true that a much greater number of public buildings, and of much greater value, were erected by the government in the District of Columbia previous to 1861. For example: The largest and most costly building erected by the government is the Capitol of the United States, which was nearly completed previous to June 30, 1861. The amount expended in the erection of the old and new Capitol, and repairing the same, was, previous to June 30, 1861, \$9,225,000, whilst since that date, the following amount only has been expended in its completion: \$2,470,000.

In addition to the Capitol building, the government had, previous to 1861, constructed in the District of Columbia the court house, jail, President's house (building and rebuilding), patent office, post-office, buildings for the war, navy, and state departments, the old treasury building (and had nearly completed the new treasury building), had completed observatory, navy yard, arsenal, and the botanical garden (partly constructed). Since 1861 the government has commenced, but not yet completed, the new building intended for the state, war and navy departments; completed the building for the treasury department; erected a small building for the department of agriculture; also a small building for a national museum, and completed the interior of the extension to the patent office.

In examining the expenditures in the District of Columbia by the government, since 1861, it will be found that they have not been in a great degree for public improvements, but rather temporary and contingent expenses. For example, making a comparison again in expenditures for the Capitol previous to and since 1861, we find the following items:

Repairs, for 34 years to March, 1861, \$347,468.85; Repairs for 14 years from 1861 to 1875, \$355,986.95.

Furniture for 61 years to 1861, \$256,911.69; Furniture for 15 years from 1861 to 1876, \$425,884.32.

Lighting for 32 years to 1861, \$425,426.49; Lighting for 14 years from 1861 to 1875, \$910,331.21.

Heating and ventilating for 30 years to 1861, \$40,742.82; Heating and ventilating for 9 years to 1871, \$257,841.57.

Improvement of grounds for 43 years to 1859, \$224,012.41.

Improvement of grounds for 12 years to 1876, \$1,410,246.00.

Police force for 10 years to 1861, \$65,273.77.

Police force for 14 years from 1861 to 1875, \$653,586.01.

In addition there are such items as the following, which do not appear previous to the year 1861, viz.: Senate stable, \$10,000; labor, \$21,110; police uniforms, \$5,352.25, and the like.

#### MR. GARFIELD RESPONSIBLE FOR INCREASED EXPENDITURES.

A comparison of the year previous to the war with the years 1873, 1874, 1875 and 1876 (when Mr. Garfield was chairman of the Committee on Appropriations), of the expenditures made in the District of Columbia, shows the following enormous difference:

Comparison by years of expenditures from the National Treasury for public purposes in the District of Columbia: Expended in

YEAR.

1873.....	\$8,041,458.56
1860.....	1,535,783.59

Excess.....\$6,505,674.97 More than five times as much.



1874.....	\$5,135,901.01	
1860.....	1,535,783.59	
Excess.....	\$3,600,117.42	More than three times as much
1875.....	\$6,468,753.64	
1860.....	1,535,783.59	
Excess.....	\$4,932,970.05	More than four times as much.
1876.....	\$5,050,770.95	
1860.....	1,535,783.59	
Excess.....	\$4,514,987.36	More than three times as much.

The comparisons are made with the years 1873, 1874, 1875, and 1876, because Mr. Garfield was Chairman of the Committee on Appropriations, which made the appropriations for those years, and always the most strenuous advocate of ring interests in the District of Columbia.

Take another item in detail, of the expenditures in the District of Columbia, namely, for streets and avenues : We find that there was expended for those purposes in the District of Columbia, in 61 years, from April 24, 1800, to March 3, 1861, \$497,378.60; whilst for the same purposes there was expended in the District of Columbia by the general government, for 15 years, from March 3, 1861, to March 3, 1876, \$3,534,930.96, or an average of \$235,662.06 per annum, as against \$8,153.75 per annum for the years preceding the war.

In addition to this large sum expended by the government in the District of Columbia for streets and avenues, an indebtedness was raised of \$21,683,650.00, for which the government was compelled to issue its bonds. Nor does this represent the total amount expended in the District of Columbia through the agency of the Board of Public Works, which exceeded \$35,000,000.

# APPROPRIATIONS AND EXPENDITURES.

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## DEMOCRATIC ECONOMY AND REPUBLICAN EXTRAVAGANCE.

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The profligate expenditures inaugurated by the Republican party culminated in Grant's second administration, and, to a considerable extent, were checked by the incoming of the Democratic House of Representatives, in December, 1875.

That body, as far as it had the power, cut down expenditures and endeavored to bring back the government to the economy in administration which prevailed before the new era of Radical corruption and wasteful extravagance.

### DEMOCRATIC ECONOMY BEFORE THE WAR—1860 COMPARED WITH 1874.

Economy in public expenditures has always been a cardinal principle of the Democratic party. Contrast the net ordinary expenditures of the last Democratic administration with the last Republican administration previous to the advent of the Democratic House of Representatives in 1875, and the difference is startling. Eliminating from the calculation all expenditures relating to the public debt, principal, interest and premiums, and taking only *the net ordinary expenditures*, exclusive also of pensions, and we find :

Democratic administration, year ending June 30th, 1861, \$61,581,456.05 ; Republican administration, year ending June 30th, 1874, \$165,080,570.34 ; a difference of \$103,499,114.29 per annum, exclusive of expenditures arising out of the war !

### TEN YEARS BEFORE THE WAR COMPARED WITH TEN YEARS SINCE THE WAR.

It may be said that a comparison of 1861 with 1874 is only that of one year with another single year. Let us, then, make the comparison as complete as possible. For this purpose eliminate entirely the war period, say from June 30th, 1862, to June 30th, 1866, both fiscal years inclusive, being more than a year after the close of the war. Eliminate again all except the net ordinary expenditures, excluding public debt, principal, interest, premiums and pensions, and it appears that the net ordinary expenditures above stated, from the fiscal year ended March 4th, 1879, down to and including the fiscal year ended June 30th, 1861, both inclusive, covering

### A PERIOD OF SEVENTY-TWO YEARS,

amounted to one billion five hundred and six millions seven hundred and six thousand and one hundred and forty-one dollars and fifteen cents (\$1,506,706,141.15).

Now, the net ordinary expenditures (for the same items) for the last TEN YEARS OF REPUBLICAN RULE preceding the advent of the Democratic House of Representatives, beginning with the fiscal year ended June 30, 1867, more than one



year after the close of the war, up to and including the fiscal year ended June 30, 1876, amounted to one billion five hundred and twenty-eight million nine hundred and thirty-seven thousand one hundred and thirty-seven dollars and eighty-seven cents (\$1,528,937,137.87). In other words, the Republican party expended more money in ten years after the close of the war and the disbandment of our armies, for net ordinary expenditures alone, exclusive of public debt, interest, principal and premium, and exclusive of pensions, by twenty-two millions two hundred and thirty thousand nine hundred and ninety-six dollars and seventy-two cents (\$22,230,996.72), than had been expended in seventy-two years preceding the advent of the Republican party to power!

#### TEN YEARS BEFORE THE WAR AND TEN YEARS SINCE THE WAR.

Taking the same net ordinary expenditures for ten years of Democratic conservative rule before the war, beginning with the fiscal year ended June 30, 1852, up to and including fiscal year ended June 30, 1861, both inclusive, we find them to have been but five hundred and seventy-two millions eight hundred and seventy-six thousand two hundred and sixty dollars and fifty-two cents (\$572,876,260.52). Compare that period with expenditures for like items during the ten years of Radical rule in time of peace—from fiscal year ended June 30, 1867, to and including fiscal year ended June 30, 1876—which were one billion five hundred and twenty-eight millions nine hundred and thirty-seven thousand one hundred and thirty-seven dollars and eighty-seven cents (\$1,528,937,137.87) and we discover an

#### EXCESS OF REPUBLICAN EXPENDITURES OF NINE HUNDRED AND FIFTY-SIX MILLIONS SIXTY THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN DOLLARS AND THIRTY-FIVE CENTS,

an increase in ten years of Republican rule in the items of net ordinary expenditures alone, of more than *one hundred and seventy per cent.*, comparing ten years of peace before 1861 with ten years of peace after 1867! THE AVERAGE PER ANNUM of these net ordinary expenditures for the ten years of Republican rule—in time of peace—reached the sum of one hundred and fifty-two millions eight hundred and ninety-three thousand seven hundred and thirteen dollars and seventy-eight cents (\$152,893,713.78), whilst the same items of net ordinary expenditures for the ten years of Democratic rule above-named averaged only fifty-seven millions two hundred and eighty-seven thousand six hundred and twenty-six dollars and five cents (\$57,287,626.05). This shows that, comparing two decades of profound peace, the net ordinary expenditures of the government, exclusive of the public debt, interest, principal and premiums, and exclusive also of pensions, under a decade of Republican rule, were nearly THREE TIMES AS LARGE AS FOR THE LAST DECADE OF DEMOCRATIC CONSERVATIVE RULE.

Taking the censuses of 1860 and 1870 respectively as the bases for calculation, it appears that these same net ordinary expenditures under the same decade of Radical rule in time of peace amounted to thirty-nine dollars and sixty-five cents (\$39.65) PER CAPITA, whilst the same items of expenditure for the last decade of Democratic conservative rule amounted to but eighteen dollars and twenty-six cents (\$18.26) PER CAPITA, or an excess of one hundred and seventeen (117) per cent.\* against the Republican party.

#### EXTRAVAGANCE IN EVERY BRANCH OF THE SERVICE.

The official record shows that the extravagant and criminal increase of expenditures occurred in every branch of the service.

\* See table marked A, p. 508.

Additional comparisons of Democratic economy with Republican extravagance are here appended.



The last fiscal year of Democratic administration was that ending June 30, 1860. The net ordinary expenses of the government for that year, exclusive of pensions and public debt and interest, were \$58,955,952.

These expenses, stated in detail, were (omitting cents):

For the War Department.....	\$16,472,202
“ Navy “.....	11,514,649
“ Indian “.....	2,991,121
“ Miscellaneous or civil.....	27,977,978

Now compare these expenditures with those of the last year in which the Republican party had unlimited control, the fiscal year ending June 30, 1875. The net ordinary expenses for the government for that year, (exclusive of pensions, public debt and interest), were \$142,073,632, being \$83,117,682 in excess of the last year of Democratic administration; or, in other words, the Republican expenditures were nearly two and a half times as great as the Democratic expenditures.

But it may be said that our population was much greater in 1875 than it was in 1860, and that this accounts for the increased expenses of government. This explanation will not suffice. The population in 1860 was 31,443,321, and the expenditures were at the rate of \$1.87½ *per capita*. In 1875 the population, as nearly as it can be estimated, was 43,000,000, and the expenditures were at the rate of \$3.30 *per capita*.

Again, it may be said, that the increase of expenses grew out of the war. This explanation will not answer. In the figures given, and those hereafter given, we exclude the expenditures occasioned by the war—namely, pensions, the public debt and the interest thereon—and confine the comparison to the ordinary expenses of government, namely, the cost of the War, Navy, Indian and Civil Departments in time of peace. The increase in these departments is shown in the following table:

## DETAILS.

	1860.	1875.	Increase.
War Department ...	\$16,472,202	\$41,120,645	\$24,648,443
Navy.....	11,514,649	21,497,626	9,982,977
Indian.....	2,991,121	8,384,656	5,393,535
Miscellaneous or civil.....	27,977,978	71,070,702	43,092,724
Increase .....			\$83,117,679

But it may be said that the comparison should not be of a single year with a single year, because special circumstances might make such a comparison unfair, and that the only fair mode is to compare a period of several years with a like period.

## SEVEN YEARS BEFORE THE WAR COMPARED WITH SEVEN YEARS SINCE THE WAR.

Let us take a period of seven years of Democratic administration, and compare it with a like period of Republican administration—both periods being years of profound peace. Let us take the seven fiscal years commencing July 1, 1853, and ending June 30, 1860, when the Democracy were in power, and compare them with the seven fiscal years commencing July 1, 1868 (three years after the close of the war), and ending June 30, 1875, when the Republicans had unlimited control; and what is the result? The following table shows it:

July 1, 1853, to June 30, 1860, seven years—

ORDINARY EXPENDITURES, LESS PENSIONS.			
Fiscal year ending June 30, '54.....			\$50,734,863
“ “ “ '55.....			54,838,585
“ “ “ '56.....			65,476,298
“ “ “ '57.....			64,730,768
“ “ “ '58.....			71,110,669
“ “ “ '59.....			65,133,728
“ “ “ '60.....			58,955,952

\$430,980,858

Average annual expenditure, \$61,568,694.  
Expenditure per capita, \$1.94.

July 1, 1868, to June 30, 1875, seven years—

July 1, 1905, to June 30, 1906	180	Seven years—	
Fiscal year ending June 30,	'69		\$162,019,733
"	"	'70	136,081,305
"	"	'71	123,139,933
"	"	'72	124,668,454
"	"	'73	151,129,210
"	"	'74	165,080,570
"	"	'75	142,073,632
			<u>\$1,004,192,837</u>

Average annual expenditure, \$143,456,119.

Expenditure per capita, \$3.45.

All these figures are derived from official sources, and it appears by them that the average annual ordinary expenses of government in seven years of Democratic rule were \$61,568,694, while the like average annual expenses in seven years of Republican rule were \$143,456,119, being an average annual excess under Republican administration of \$81,887,425.

And this excess cannot be explained by the increase of population, for the expense *per capita* in the seven Republican years was \$3.45, while in the seven Democratic years it was \$1.94.

Nor can it be explained as necessarily resulting from the war; for there are excluded from the comparison expenses caused by it—namely, pensions, public debt and interest thereon; and the first of the seven Republican years taken was the third year after the war.

#### EXTRAVAGANT INCREASE OF EXPENDITURES—THEY GROW GREATER AS WE RECEDE FROM THE WAR PERIOD.

An examination of the net ordinary expenditures of the government (excluding always the public debt, interest, principal and premiums, and also excluding pensions) shows a reckless increase as we recede from the war period which is totally inexcusable. And this increase continued up to the advent of the Democratic House of Representatives in 1875. For example, the expenditures for these purposes named were for the fiscal year ended June 30, 1871, one hundred and twenty-three millions one hundred and thirty-nine thousand nine hundred and thirty-two dollars, and in 1876 one hundred and thirty-six millions six hundred thousand four hundred and seventeen dollars—an increase of thirteen millions, four hundred and sixty thousand, four hundred and eighty-five dollars and sixty seven cents (\$13,460,485.67), whilst the expenditures for like items for the fiscal year ended June 30, 1874, were one hundred and sixty-five millions eighty thousand, five hundred and seventy dollars, being an increase over the year 1871 of forty-one million nine hundred and forty thousand six hundred and thirty-eight dollars and thirty-four cents (\$41,940,638.34).

So it will be seen that the Republican Congresses and administrations constantly increased the expenditures from year to year, after the close of the war, and at the same time, that the purchasing power of money was continuously augmenting! The following is a statement of the net ordinary expenditure of the government (excluding public debt, principal, interest and premiums, and excluding also pensions) from the fiscal year ended June 30, 1871, to the fiscal year ended June 30, 1876, being years appropriated for by a Republican Senate and House of Representatives.

Net ordinary expenses exclusive of public debt and pensions :

For the fiscal year	1871	\$123,139,932.00	
"	"	1872	124,668,453.43
"	"	1873	151,129,210.04
"	"	1874	165,080,570.34
"	"	1875	142,073,632.05
"	"	1876	136,600,417.67



## EXPENDITURES APPROPRIATED FOR BY THE FORTY-SECOND AND FORTY-THIRD CONGRESSES, COMPARED WITH FORTY-FOURTH AND FORTY-FIFTH—DEMOCRATIC HOUSE REDUCTIONS.

In December, 1875, a Democratic House of Representatives came into power, and the attempt was successfully made to cut down extravagant expenditures. The first fiscal years appropriated for by this Democratic House were those ending June 30, 1877, and June 30, 1878. Let us compare these with the two previous years appropriated for by a Congress Republican in both branches.

The actual net ordinary expenditures, exclusive of the public debt, principal, premiums and interest, and exclusive also of pensions appropriated for by the Forty-third Congress and the Forty-fourth Congress, are as follows :

Republican Forty-third Congress.		Forty-fourth Congress, Democratic House.	
1875.....	\$142,073,632.05	1877.....	\$116,246,211.01
1876.....	136,600,417.67	1878.....	107,326,433.07
Total.....	\$278,674,049.72	Total.....	\$223,572,644.08

Here, then, we have stated for each fiscal year the actual net ordinary expenditures for the years 1875 and 1876 under the appropriations made by a Republican Congress, against which we place the expenditures for the same purposes for the years 1877 and 1878, under the influence of a Democratic House, showing an actual saving of **\$55,101,404.64**, made under the greatest difficulties placed in the way of retrenchment by a Republican Senate and a Republican administration.

Now let us compare the expenditures appropriated for by the Forty-second Congress, Republican in both branches, and the Forty-fifth Congress, when the House was Democratic : The actual net ordinary expenditures, exclusive of the public debt, principal, premiums and interest, and exclusive also of pensions, appropriated for by the Forty-second and Forty-fifth Congresses, are as follows :

Republican Forty-second Congress.		Forty-fifth Congress, Democratic House.	
1873.....	\$151,129,210.04	1879.....	\$126,498,452.14
1874.....	165,080,570.34	*1880.....	131,994,037.17
Total.....	\$316,209,780.38	Total.....	\$258,492,489.31

This exhibits a *DECREASE of fifty-seven millions seven hundred and seventeen thousand dollars* in round numbers, or, to be exact, of **\$57,717,291.07**.

\* Partly estimated. This includes the bills passed at the first session Forty-sixth Congress, which failed to become laws in Forty-fifth Congress.

## ECONOMY INAUGURATED BY DEMOCRATIC HOUSE.

Taking the saving effected by the Democratic Houses of the Forty-fourth and Forty-fifth Congresses over the expenditures of the Forty-second and Forty-third Congresses, when both branches were Republican, and adding them together, the total exhibits a **SAVING OF ONE HUNDRED AND THIRTEEN MILLIONS OF DOLLARS** in round numbers (or, to be exact, of \$112,818,695.71), in the four years, 1877, 1878, 1879 and 1880, as compared with the previous four years, 1873, 1874, 1875 and 1876.

## DEMOCRATIC REDUCTIONS IN APPROPRIATIONS IN THE FACE OF A REPUBLICAN SENATE AND EXECUTIVE.

So far we have been treating of actual expenditures only. This does not exhibit, however, all the reductions that were attempted by the Democratic House, but represents only the amounts of reduction wrung from a Republican Senate

and Executive after repeated struggles and after most serious opposition in the Republican House, Mr. James A. Garfield being a conspicuous opponent on the floor of the House. In treating of these appropriations at present, we shall only speak of the eleven great appropriation bills, viz.: the Military Academy, Fortification, Consular and Diplomatic, Navy, Post-Office, Pension, Indian, Army, Legislative, Executive and Judicial, Sundry Civil, and River and Harbor Bills. The Deficiency and Miscellaneous Bills will be treated of hereafter, and will show a still greater reduction.

These eleven great bills for the years 1877, 1878, 1879 and 1880, and 1873, 1874, 1875 and 1876, appropriated the following amounts:

42d Congress { 1873.....	\$160,320,113.11	44th Congress { 1877.....	\$145,997,956.72
Republican { 1874.....	181,587,054.61	Dem. House { 1878.....	140,384,606.95
43d Congress { 1875.....	177,679,473.77	45th Congress { 1879.....	157,213,933.77
Republican { 1876.....	172,600,205.53	*Dem. House { 1880.....	156,970,248.71
Total .....	\$692,186,847.02	Total .....	\$600,566,746.15
*Includes bills passed at extra session 46th Congress.			

These figures, taken from the official records, exhibit a **REDUCTION EXCEEDING NINETY-ONE MILLIONS OF DOLLARS**, secured by the efforts of the Democratic House of Representatives in four years in these eleven bills alone, the exact figures being \$91,630,100.87.

Great as these reductions were for a period of four years, they by no means represent all that was attempted by the Democratic House of Representatives in the Forty-fourth and Forty-fifth Congresses. Every measure of economy proposed by the House was fiercely fought by the Republicans in the House at every stage, and a Republican Senate, backed by a Republican administration, refused to sanction the economical measures proposed by the Democratic House. The following, in brief, is a statement of the

#### RECORD OF ATTEMPTED REDUCTIONS

by the Democratic House in these eleven bills:

For the fiscal year ended June 30, 1877:	
Estimates of Departments.....	\$200,375,553 78
Appropriations as passed the House.....	138,080,856 68
Appropriations as increased by the Senate.....	157,419,767 36
Appropriations as reduced by the House.....	145,997,956 72
For the fiscal year ended June 30, 1878:	
Estimates of Departments.....	184,182,005 14
Appropriations as passed the House.....	131,809,307 87
Appropriations as increased by the Senate.....	148,988,885 75
Appropriations as reduced by the House.....	140,384,606 95
For the fiscal year ended June 30, 1879:	
Estimates of Departments.....	176,226,348 31
Appropriations as passed the House.....	147,687,739 94
Appropriations as increased by the Senate.....	161,852,269 41
Appropriations as reduced by the House.....	157,213,933 77
For the fiscal year ended June 30, 1880:	
Estimates of Departments.....	159,861,836 58
Appropriations as passed the House.....	153,331,949 01
Appropriations as increased by the Senate.....	160,475,194 97
*Appropriations as reduced by the House.....	156,970,248 71
Total Estimates of Departments for 1877, 1878, 1879 and 1880.....	720,645,743 81
Total as passed Democratic House for 1877, 1878, 1879 and 1880.....	574,048,152 70
Total as increased by Republican Senate for 1877, 1878, 1879 and 1880.....	628,736,117 49
Total as reduced by Democratic House for 1877, 1878, 1879 and 1880.....	600,566,746 15

\*Included bills passed at extra session Forty-sixth Congress.

If the Republican Senate had concurred with the Democratic House in passing these bills as they originally passed the House, there would have been

A SAVING OF **\$146,597,591.11.**

as compared with the profligate estimates and demands of the Republican officials, while there would have been an



## ACTUAL SAVING OF \$118,138,694.32.

in these eleven bills for four years—1877, 1878, 1879 and 1880—as compared with the appropriations in the same eleven bills for the years 1873, 1874, 1875 and 1876.

APPROPRIATIONS MADE AT SECOND SESSION, FORTY-SIXTH CONGRESS, FOR FISCAL YEAR ENDING JUNE 30, 1881.

The book of estimates is made up from the estimates made by the various departments, and is sent to the Secretary of the Treasury for revision and approval. It is then presented to Congress at the beginning of each regular session, as the estimates of the administration for appropriations necessary to defray the expenses of the government for the incoming fiscal year. Congress is in no way responsible for the *expenditures*, and yet, at the end of each fiscal year, the administration brings in long lists of deficiencies, which represent expenditures made by the administration in excess of the appropriations and in violation of law.

The regular estimates presented to Congress through the Secretary of the Treasury for the fiscal year ending June 30, 1881, amount to \$184,559,042.17, to which must be added the sum of \$8,500,000.00 for estimates sent in by the administration to the Committee of Appropriations, and the sum of \$11,000,000.00 sent in to the Committee on Commerce at various times, thus swelling the grand total of estimates for the fiscal year ending June 30, 1881, to \$204,059,042.17. The thirteen great appropriation bills, viz.: The Pension, Military Academy, Fortifications, Consular and Diplomatic, Navy, Post-Office, Indian, Army, Legislative, Executive and Judicial, Sundry Civil, River and Harbor, District of Columbia, and Agricultural (the last two appearing for the first time as separate bills), amounted to \$168,730,945.04. All the appropriations made (including miscellaneous) for all net ordinary expenses, arrears of pensions, etc., and excluding only permanent annual appropriations for the public debt, the total for the fiscal year ending June 30, 1880, were \$186,404,959.30, while the estimates amounted to \$204,059,042.17. Thus the estimates of the Republican departments exceeded the appropriations by \$17,654,082.87. This reduction was secured by Democratic votes, the Republicans uniformly arguing and voting for increased expenditures.

From this grand total of appropriations, \$186,404,959.30, the sum of at least \$18,000,000.00 should be deducted, as having been appropriated for unusual or exceptional objects, not annually provided for, such as the item of \$14,000,000.00 for arrears of pensions, \$218,000.00 to provide clerical force connected with the arrears of pensions, &c. Of the whole amount appropriated, \$26,826,000 was for the arrears of pensions. In addition, another unusual item, not occurring annually, amounts to \$2,960,000, for taking the census, and there are additional unusual items for monuments, military posts, etc., making the sum total of unusual items amount to \$18,000,000.00, which, taken from the grand total, leaves \$168,404,959.30 as the sum of the net ordinary appropriations (including certain deficiencies) for the next fiscal year.

If the sum of one-half million, which is in excess of the usual appropriations for new public buildings, and of \$3,000,000, which is in excess of the average amount appropriated for rivers and harbors in the Forty-third and other Congresses, should be added to the \$18,000,000 of extraordinary appropriations, we would then have \$21,500,000 of unusual appropriations, which, deducted from the grand total, would leave less than \$165,000,000 as the true net ordinary appropriations for the next fiscal year. In this sum of \$165,000,000 more than liberal allowances are made for public buildings, national cemeteries, life-saving service,

light-houses and Federal courts. The net ordinary appropriations for the first year of the Forty-third Congress, the last term that the distinguished gentleman from Ohio, now the Republican nominee for President, served as Chairman of the Committee on Appropriations in this House, were \$184,304,789.08. The appropriations, ordinary and extraordinary, amount to \$186,405,058, from which deduct, for reasons just given, \$21,500,000, and there remains \$164,905,058, or nearly \$20,000,000 less for the net ordinary appropriations for 1881 than were appropriated for 1875.

It is proper to place in the same category of "unusual or extraordinary" the item of \$1,200,000 of deficiency for star service, so called, which would have brought down the appropriations for net ordinary expenditures, including those less abnormal and vastly more legitimate, to \$163,705.58. In making these appropriations due and scrupulous regard has been had to the proper and legitimate demands of the public service. No estimate has escaped notice and scrutiny, and without partisan or other prejudice every consideration has been given to the facts in each case, and such appropriations have been made as the needs of the public service in every branch of it seemed to require. Large increases were made in the pension, adjutant-general's, surgeon-general's and second auditor's offices each, on account of the disposition of Congress to facilitate those Bureaus in expediting the adjustment and settlement of the claims of soldiers for pensions and bounties. Some additions were made to the force in the Patent Office to facilitate the work in that bureau in perfecting and issuing patents to the inventors of our country, who seem to excel the citizens of all other countries in their inventive genius and skill. In the Post-Office Department a heavy increase of force has been made, owing to the immense growth and expansion of that most important branch of the public service; the growth being now about 14 per cent., as against a year or two back, when it was about 7 per cent. Considerable increase has been made in the appropriations for the Internal Revenue Bureau on account of its growth and its constantly augmenting incomes. So in other branches some increase has been made, but in no instance has more been granted by the House than has been asked by the government; where the force has been wanted to facilitate the settlement of pension claims all demands of the departments have been fully met by Congress.

#### REDUCTIONS IN ONLY POLITICAL DEPARTMENT CONTROLLED BY THE DEMOCRATS.

It is well known that the Folding Room of the House of Representatives was used by the Republicans for their party purposes. It is there where frankable speeches and documents are folded during a campaign. An examination of the subjoined table shows the great reduction made by the Democratic House in this item.

*Statement showing the cost of employees, and for folding, of the House of Representatives, for the Forty-second, Forty-third, Forty-fourth and Forty-fifth Congresses; the first two were Republican, and of the last two the House was Democratic.*

	42d Congress.	43d Congress.	Total. 42d & 43d Congresses	44th Congress.	45th Congress.	Total 44th & 45th Congresses.	Reduction made by 44th & 45th Congresses.
Folding Documents.	\$237,000	\$97,150.49	\$334,150.49	\$44,250	\$62,800	\$107,050	\$227,100.49



For example: Take the Forty-second Congress, which began in December, 1871, and ended in March, 1873. This Congress was the one which sat during the year of the Presidential election of 1872, and in the Folding Room was done the campaign work of the Republican party. In that Congress the Folding Room cost \$237,000, whilst the Folding Room, as operated by the Democratic House of Representatives in the Forty-fourth Congress, during the Presidential election of 1876, cost but \$44,250, a reduction of \$192,750, or a reduction exceeding four hundred and thirty-five per cent.

The aggregate of the expenses of the Folding Room of the House of Representatives for the Forty-second and Forty-third Congresses—both Republican—reached \$334,150.49, whilst that for the Democratic House of Representatives for the Forty-fourth and Forty-fifth Congresses aggregated but \$107,050, a reduction of \$227,100.49.

#### APPROPRIATIONS FORTY-SECOND AND FORTY-THIRD CONGRESSES.

Detailed statement of the 11 Appropriation Acts for the fiscal years 1873, 1874, 1875 and 1876, passed by the Forty-second and Forty-third Congresses (Republican in both branches), JAMES A. GARFIELD then being Chairman of the Committee of Appropriations.

TITLE OF ACT.	Fiscal Year. 1873.	Fiscal Year. 1874.	Fiscal Year. 1875.	Fiscal Year. 1876.	Aggregate for fiscal years '73, '74, '75 and '76.
Military Academy...	\$326,101 32	\$344,317 56	\$339,835 00	\$364,740 00	\$1,374,993 88
Fortifications.....	2,037,000 00	1,899,000 00	904,000 00	850,000 00	5,690,000 00
Consular & Diplomatic	1,219,659 00	1,311,359 00	3,404,804 00	1,374,935 00	7,310,807 00
Navy.....	18,296,733 95	22,276,257 65	20,813,946 20	17,001,006 40	78,387,944 20
Post-Office.....	28,519,341 84	32,529,167 00	35,756,091 00	37,524,985 00	134,329,584 84
Pensions.....	30,480,000 00	30,480,000 00	29,980,000 00	30,000,000 00	120,940,000 00
Indian.....	6,349,462 04	5,541,418 90	5,680,651 96	5,360,554 55	22,932,087 45
Army.....	28,683,615 32	31,796,008 81	27,788,500 00	27,933,830 00	116,201,954 13
Legislative, Executive, and Judicial.....	18,671,785 74	17,120,496 60	20,783,900 80	18,902,236 99	75,478,420 13
Sundry Civil.....	20,148,413 90	32,186,129 09	27,009,744 81	26,644,350 09	105,988,637 89
River and Harbor.....	5,588,000 00	6,102,900 00	5,218,000 00	6,643,517 50	23,552,417 50
Total .....	\$160,320,113 11	\$181,587,054 61	\$177,679,473 77	\$172,600,205 53	\$692,186,847 02

#### APPROPRIATIONS FIRST SESSION FORTY-FOURTH CONGRESS.

*History of the eleven Appropriation Bills for the support of the Government for the fiscal year ended June 30, 1877, passed at the first session of the Forty-fourth Congress.*

Title of Bills.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1877.
Military Academy .....	\$487,470 00	\$259,231 00	\$308,841 00	\$290,065 00
Fortifications.....	3,406,000 00	315,000 00	315,000 00	315,000 00
Consular and Diplomatic.....	1,352,485 00	912,747 50	1,341,647 50	1,187,197 50
Navy.....	20,871,666 40	12,432,855 40	14,857,855 40	12,742,155 40
Post-Office.....	37,939,805 99	33,739,109 00	36,796,850 00	34,585,701 00
Pensions.....	29,533,500 00	29,533,500 00	29,533,500 00	29,533,500 00
Indian.....	5,787,995 60	3,979,602 11	4,958,361 27	4,572,762 01
Army.....	33,348,740 50	28,179,819 52	27,715,877 20	25,987,167 90
Legislative, Executive and Judicial....	20,836,307 00	12,998,815 61	16,635,338 00	15,417,933 33
Sundry Civil.....	32,560,475 29	14,857,326 54	19,956,496 99	16,351,474 58
River and Harbor.....	14,301,100 00	5,872,850 00	5,000,000 00	5,015,000 00
Total .....	\$200,425,545 78	\$143,080,856 68	\$157,419,767 36	\$145,997,956 72

## APPROPRIATIONS SECOND SESSION FORTY-FOURTH CONGRESS.

*History of the eleven Appropriation Bills for the support of the Government for the fiscal year ended June 30, 1878, passed at the second session of the Forty-fourth Congress.*

Title of Bills.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1878.
Military Academy.....	\$395,080 00	\$265,161 00	\$299,505 00	\$286,604 00
Fortifications.....	2,828,000 00	250,000 00	350,000 00	275,000 00
Consular and Diplomatic.....	1,245,997 00	1,137,085 00	1,138,097 50	1,138,374 50
Navy.....	19,430,012 69	12,497,952 40	17,049,452 40	13,541,024 40
Post-Office.....	36,723,432 43	32,221,618 00	34,993,590 00	33,584,143 00
Pension.....	28,533,000 00	28,533,500 00	28,538,500 00	28,533,000 00
Indian.....	5,842,890 12	4,439,499 12	5,154,935 69	4,829,865 69
Army.....	31,896,915 90	21,993,749 00	26,188,870 50	25,612,500 00
Legislative, Executive and Judicial.....	18,192,431 68	14,523,935 50	16,311,986 89	15,450,345 30
Sundry Civil.....	26,974,105 82	15,446,807 35	18,968,947 77	17,133,750 06
River and Harbor.....	13,220,100 00			
Total.....	\$184,182,005 14	\$131,309,307 37	\$148,988,885 75	\$140,384,606 95

## APPROPRIATIONS FIRST AND SECOND SESSIONS FORTY-FIFTH CONGRESS.

*History of the eleven Appropriation Bills for the support of the Government for the fiscal year ending June 30, 1879, passed by the Forty-fifth Congress, first and second sessions.*

Title of Bills.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1879.
Military Academy.....	\$540,425 00	\$265,155 00	\$348,621 46	\$282,805 00
Fortifications.....	850,000 00	275,000 00	275,000 00	275,000 00
Consular and Diplomatic.....	1,214,397 50	1,038,435 00	1,120,635 00	1,076,135 00
Navy.....	16,233,234 40	14,038,684 00	14,249,528 70	14,151,603 70
Post-Office.....	36,427,771 00	33,140,373 00	33,996,373 00	33,256,373 00
Pensions.....	29,500,000 00	29,371,574 00	29,406,574 00	29,371,574 00
Indian.....	5,415,891 20	4,769,475 70	4,721,475 70	4,721,275 70
Army.....	31,597,270 68	24,913,787 18	25,937,986 01	25,583,186 01
Legislative, Executive and Judicial.....	16,205,572 41	14,991,370 00	15,598,184 00	15,498,881 30
Sundry Civil.....	24,939,186 12	17,590,786 06	27,851,891 54	24,750,100 06
River and Harbor.....	13,302,600 00	7,293,700 00	8,346,000 00	8,307,000 00
Total.....	\$176,326,348 31	\$147,687,739 94	\$161,852,269 41	\$157,213,933 77

## APPROPRIATIONS THIRD SESSION FORTY-FIFTH CONGRESS.

*History of the principal Appropriation Bills, 1879-80, passed at the third session of the Forty-fifth Congress, and the first session of the Forty-sixth Congress.*

Title.	Estimates.	As passed House.	Pass'd Senate.	Law for 1880.
Military Academy.....	\$411,790 09	\$316,647 33	\$322,347 33	\$319,547 33
Fortifications.....	1,000,000 00	275,000 00	500,000 00	275,000 00
Consular and Diplomatic.....	1,178,635 00	1,045,735 00	1,127,835 00	1,087,835 00
Navy.....	14,187,381 45	14,018,468 95	14,104,968 95	14,029,968 95
Post-Office.....	36,571,900 00	35,914,400 00	37,348,400 00	36,121,400 00
Pension.....	29,616,000 00	29,366,000 00	29,366,000 00	29,366,000 00
Indian.....	4,933,244 20	4,681,278 58	4,740,035 83	4,713,478 58
Army.....	29,084,500 00	26,747,300 00	26,797,300 00	26,797,300 00
Legislative, &c.....	16,520,601 91	18,184,553 60	18,484,823 81	16,287,457 73
Sundry Civil.....	21,342,783 93	16,945,965 55	19,690,384 05	18,394,766 51
River and Harbor.....	5,015,000 00	5,836,600 00	7,993,100 00	9,577,494 61
Total.....	\$159,861,896 58	\$153,331,949 01	\$160,475,194 97	\$156,970,248 71



## FORTY-FOURTH AND FORTY-FIFTH CONGRESSES.

Aggregate of the 11 great Appropriations Bills passed by the Forty-fourth and Forty-fifth Congresses (Democratic House of Representatives), appropriating for the fiscal years ended June 30, 1877, 1878, 1879, and 1880, showing: 1st. Estimates of the Departments; 2d. Bills as they passed the Democratic House; 3d. Bills as increased by the Republican Senate; 4th. Bills as finally enacted.

TITLE OF ACT.	1 1877, 1877, 1879, 1880. Estimates of the Departments.	2 1877, 1878, 1879, 1880. Bills as passed the House.	3 1877, 1878, 1879, 1880. Bills as passed the Senate.	4 Laws for 1877, 1878, 1879, 1880.
Military Academy.....	\$1,784,765 00	\$1,106,194 33	\$1,279,314 79	\$1,179,021 33
Fortifications.....	7,484,000 00	1,115,000 00	1,440,000 00	1,140,000 00
Consular and Diplomatic.....	4,991,505 00	4,134,002 50	4,728,215 00	4,489,542 00
Navy.....	70,722,294 94	52,987,960 75	60,264,805 45	54,464,752 45
Post-Office.....	147,662,909 42	135,015,500 00	143,135,213 00	137,547,617 00
Pensions.....	117,182,500 00	116,804,574 00	116,839,594 00	116,804,074 00
Indian.....	21,480,030 12	17,869,855 51	18,863,932 23	18,837,381 98
Army.....	125,937,435 08	96,894,655 70	106,640,033 71	103,980,153 91
Legislative, Executive & Judicial.....	71,754,913 00	60,698,674 71	67,030,332 70	62,594,617 66
Sundry Civil.....	105,816,581 16	64,840,285 50	86,467,720 35	76,690,091 21
River and Harbor.....	45,838,800 00	19,003,150 00	21,279,100 00	22,899,494 61
Total.....	\$720,655,733 72	\$570,409,853 00	\$627,968,261 23	\$600,566,746 15

## DEMOCRATIC HOUSE REDUCTIONS.

Aggregate of Reductions in the 11 great appropriations for the support of the government for the fiscal years 1877, 1878, 1879 and 1880 (passed by a Democratic House), showing :

1st, Reductions made in bills as originally passed the House of Representatives under the amounts estimated for by the Departments ; 2d, The amounts added by the Republican Senate ; 3d, Reductions under amounts appropriated for the years 1873, 1874, 1875 and 1876, Congress then being Republican in both branches.

TITLE OF ACT.	Reductions made by the House under the Amount Esti- mated for by the Departments.	Amounts added to the House Bills by the Senate.	House Reductions for four years ; 1877, 1878, 1879 and 1880. Under four years ; 1873, 1874, 1875 and 1876
Military Academy.....	\$678,570 67	\$173,120 46	\$268,799 55
Fortifications.....	6,369,000 00	325,000 00	4,575,000 00
Consular and Diplomatic.....	857,502 50	594,212 50	3,176,804 50
Navy.....	17,734,334 19	7,276,844 70	25,399,983 45
Post-Office.....	12,647,409 42	8,119,713 00	"
Pensions.....	377,926 00	35,020 00	4,135,426 00
Indian.....	3,610,174 61	994,076 72	5,062,231 94
Army.....	29,102,779 98	9,805,378 01	19,367,298 43
Legislative, Executive and Judicial.....	11,056,238 29	6,331,657 99	14,779,745 42
Sundry Civil.....	40,976,295 66	21,627,434 85	41,148,352 39
River and Harbor.....	26,835,650 00	2,275,950 00	4,549,267 50
Less increase.....	\$150,245,880 72	\$57,558,408 23	\$122,462,909 18
			*685,915 16
			\$121,776,994 02

## DEMOCRATIC LAW REDUCTIONS.

For the 44th and 45th Congress (Republican Senate and Democratic House of Representatives), in the appropriations for the fiscal years ended June 30, 1877, 1878, 1879 and 1880.

1.—Under the amounts estimated for by the Republican administration.

2.—Increased amounts added by the Republican Senate to the bills as they passed the Democratic House.

3.—Actual reductions in the laws for 1877, 1878, 1879 and 1880 under laws for 1873, 1874, 1875 and 1876.

Title of Acts.	1. Reduction under the amounts estimated for by the Departments, for the fiscal years ended June 30, 1877, 1878, 1879 and 1880.	2. Increased amount secured by action of the Senate over bills as passed by the House for fiscal years ended June 30, 1877, 1878, 1879 and 1880.	3. Reductions in laws for 1877, 1878, 1879 and 1880, under laws for 1873, 1874, 1875 and 1876.	Increase.
Military Academy.....	\$605,743 67	\$72,827 00	\$195,972 55	\$3,218,032 16
Fortifications.....	6,344,000 00	25,000 00	4,550,000 00	
Consular and Diplomatic.....	501,963 00	355,539 50	2,821,265 00	
Navy.....	16,257,542 49	1,476,791 70	23,923,191 75	
Post-Office.....	10,115,292 42	2,532,117 00	.....	
Pension.....	378,426 00	* .....	4,135,926 00	
Indian.....	2,642,648 14	967,526 46	4,094,705 47	
Army.....	21,957,281 17	7,145,498 21	12,221,800 22	
Legis., Ex. and Judicial.....	9,160,295 34	1,895,942 95	12,883,802 47	
Sundry Civil.....	29,186,489 95	11,789,805 71	29,358,546 68	
River and Harbor.....	22,939,305 39	3,896,344 61	652,922 89	
	\$120,088,987 57	\$30,157,393 15	\$94,838,133 03	\$3,218,032 16
		Less increase..	3,218,032 16	
		Net Reduction.	\$91,620,100 87	

\*\$500. 00 decrease.



APPROPRIATIONS FOR THE UNITED STATES GOVERNMENT.—STATEMENT SHOWING THE AMOUNT APPROPRIATED UNDER EACH OF THE VARIOUS APPROPRIATION BILLS FOR EACH OF THE FISCAL YEARS SINCE 1868 UNTIL 1881, BOTH INCLUSIVE.

TITLE OF BILLS.	1868.							1874.						
	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1868.	1869.	1870.	1871.	1872.	1873.	1874.
Legislative, &c.	\$23,400,191 89	\$17,906,317 09	\$20,354,774 76	\$18,949,258 40	\$19,518,229 24	\$18,671,785 74	\$17,120,496 60							
Military Academy	368,913 00	327,512 00	274,488 88	314,869 20	316,269 50	326,101 32	344,317 56							
Army	29,874,454 00	33,082,093 00	33,350,893 20	29,321,367 22	27,719,580 00	28,683,615 32	31,796,008 81							
Navy	16,288,244 01	17,356,350 00	15,882,246 00	19,350,290 29	19,892,317 25	18,296,733 95	22,276,257 65							
Indian	3,042,003 86	3,847,528 45	6,121,004 81	6,324,164 16	5,448,540 96	6,349,462 04	5,541,418 90							
Pensions	33,280,000 00	30,350,000 00	19,250,000 00	30,000,000 00	29,050,000 00	30,480,000 00	30,480,000 00							
Post-Office	19,133,000 00	21,069,000 00	30,279,153 00	26,280,993 00	26,032,898 00	28,519,341 84	32,529,167 00							
Consular and Diplomatic	1,425,454 00	1,212,434 00	1,110,734 00	1,041,347 00	1,466,184 00	1,219,650 00	1,311,359 00							
Sundry Civil	5,307,191 88	8,174,979 66	9,976,228 81	13,447,721 70	24,161,773 86	20,148,473 90	32,186,129 09							
Fortifications	1,290,000 00			1,311,500 00	1,627,50 00	2,037,000 00	1,899,000 00							
Deficiencies	17,002,222 85	23,677,009 60	6,421,766 46	14,023,131 04	6,045,259 96	12,978,418 60	4,083,914 26							
Rivers and Harbors	4,702,781 70		2,000,000 00	3,945,900 00	4,407,500 96	5,588,000 00	6,102,900 00							
Miscellaneous	1,421,163 46	12,200,300 72	527,988 31	4,947,845 72	1,261,208 80	8,383,743 23	3,354,824 17							
TOTAL	\$150,535,620 15	\$167,226,672 60	\$145,499,278 23	\$169,135,187 73	\$166,887,211 57	\$181,682,274 94	\$189,025,793 04							

TITLE OF BILLS.	1875.							1881.						
	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1875.	1876.	1877.	1878.	1879.	1880.	1881.
Legislative, &c.	\$20,783,900 80	\$18,902,296 99	\$15,417,933 33	\$15,450,345 30	\$15,430,781 30	\$16,287,457 73	\$16,274,223 59							
Military Academy	339,835 00	364,740 00	290,065 00	286,604 00	282,805 00	319,547 33	316,234 28							
Army	27,788,500 00	27,933,890 00	25,987,167 90	25,612,500 00	25,583,186 01	26,797,300 00	26,425,800 00							
Navy	20,813,946 20	17,001,006 40	12,742,155 40	13,541,024 40	14,152,603 70	14,029,968 95	14,405,797 70							
Indian	5,680,651 96	5,300,554 55	4,572,762 01	4,829,863 69	4,731,275 70	4,713,478 58	4,656,314 20							
Pensions	29,980,000 00	30,000,000 00	29,583,500 00	28,533,000 00	29,371,574 00	29,366,000 00	32,404,000 00							
Post-Office	35,756,931 00	37,524,361 00	34,585,701 00	33,584,143 00	33,256,373 00	36,121,400 00	39,093,420 00							
Consular and Diplomatic	2,404,804 00	1,374,985 00	1,187,197 50	1,138,374 50	1,070,135 00	1,087,895 00	1,184,135 00							
Sundry Civil	27,009,744 81	26,644,360 09	16,351,474 58	17,138,750 06	24,750,000 00	18,394,766 51	22,523,821 60							
Fortifications	904,000 00	850,000 00	315,000 00	275,000 00	275,000 00	275,000 00	550,000 00							
Deficiencies	4,703,699 18	2,608,177 09	2,745,480 97	11,962,013 02	8,307,000 00	9,577,494 61	8,929,500 00							
Rivers and Harbors	5,218,000 00	6,618,517 50	5,015,000 00		8,307,000 00	4,389,788 46	2,000,000 00							
Miscellaneous	1,921,614 13	1,862,929 19	5,647,505 84	1,262,061 31	1,572,659 00		1,714,498 67							
District of Columbia							253,200 00							
Agricultural														
TOTAL	\$184,304,787 08	\$177,370,687 81	\$154,390,943 53	\$153,608,681 28	\$163,406,493 27	\$161,360,037 17	\$177,081,959 08							

## FROM THE OFFICIAL REPORT OF THE SECRETARY OF THE TREASURY.

Statement of the Expenditures of the United States from March 4, 1789, to June 30, 1879, both inclusive.

Year.	War.	Navy.	Indians.	Miscellaneous.	Net Ordinary Expenditures, without Pensions.	Pensions.	Net Ordinary Expenditures.
1791.....	\$632,804 03	.....	\$27,000 00	\$1,083,971 61	\$1,743,775 64	\$175,813 88	\$1,919,589 52
1792.....	1,100,702 09	.....	13,648 85	4,672,664 38	5,787,015 32	109,243 15	5,896,258 47
1793.....	1,130,249 08	.....	27,282 83	511,451 01	1,668,982 92	80,087 81	1,749,070 73
1794.....	2,639,097 59	\$61,408 97	13,042 46	750,350 74	3,403,809 76	81,399 24	3,545,209 00
1795.....	2,480,910 13	410,562 03	23,475 68	1,378,920 66	4,293,868 50	68,673 22	4,362,541 72
1796.....	1,240,263 84	274,784 04	113,563 98	801,847 58	2,450,459 44	100,843 71	2,551,303 15
1797.....	1,039,402 46	382,631 89	62,396 58	1,259,422 62	2,743,863 55	92,256 97	2,836,110 52
1798.....	2,009,522 30	1,381,347 76	16,470 09	1,139,324 94	4,546,865 09	104,845 33	4,651,710 42
1799.....	2,466,946 98	2,858,081 84	20,302 19	1,039,391 08	6,384,722 69	95,444 03	6,480,166 72
1800.....	2,560,878 77	3,448,716 03	31 22	1,937,513 22	7,347,239 24	64,130 73	7,411,369 97
1801.....	1,672,944 08	2,111,424 00	9,000 00	1,114,768 45	4,908,136 53	72,533 87	4,981,669 90
1802.....	1,173,148 25	915,561 87	94,000 00	1,462,929 40	3,651,639 52	85,440 39	3,737,079 91
1803.....	822,065 85	1,215,230 53	60,000 00	1,842,925 76	3,939,922 14	62,902 10	4,002,824 24
1804.....	875,423 93	1,189,832 75	116,500 00	2,191,009 43	4,372,766 11	80,092 80	4,452,858 91
1805.....	712,781 28	1,597,500 00	196,500 00	3,768,598 75	6,275,380 03	81,854 59	6,357,234 62
1806.....	1,224,355 38	1,649,641 44	234,200 00	2,890,137 01	5,998,393 83	81,875 53	6,080,209 36
1807.....	1,286,685 91	1,722,064 47	205,425 00	1,697,897 51	4,914,072 89	77,500 00	4,994,572 89
1808.....	2,900,834 40	1,884,067 80	213,575 00	1,423,285 61	6,421,762 81	82,576 04	6,504,338 85
1809.....	3,345,772 17	2,427,758 80	337,503 84	1,215,803 79	7,326,838 60	87,833 54	7,414,672 14
1810.....	2,294,323 94	1,654,244 20	177,625 00	1,101,144 98	5,227,338 12	83,744 16	5,311,082 28
1811.....	2,032,828 19	1,965,566 39	151,875 00	1,367,291 40	5,517,560 98	75,043 88	5,592,604 86
1812.....	11,817,798 24	3,959,365 15	277,845 00	1,683,088 21	17,738,096 60	91,402 10	17,829,498 70
1813.....	19,652,013 02	6,446,600 10	167,358 28	1,729,435 61	27,995,407 01	86,989 91	28,082,396 92
1814.....	20,350,806 86	7,311,290 60	167,394 86	2,208,029 70	30,037,532 02	90,164 36	30,127,696 38
1815.....	14,794,294 22	8,660,000 25	530,750 00	2,896,570 47	26,893,914 94	69,656 06	26,963,571 00
1816.....	16,012,096 80	3,908,278 30	274,512 16	2,989,741 17	23,184,628 43	188,804 15	23,373,432 58
1817.....	8,004,296 53	3,314,598 49	319,463 71	3,518,936 76	15,157,235 49	297,374 43	15,454,609 92
1818.....	5,622,715 10	2,953,695 00	505,704 27	3,835,839 51	12,917,293 88	890,719 90	13,808,073 78
1819.....	6,506,300 37	3,847,640 42	403,181 39	3,067,211 41	13,884,393 59	2,415,939 85	16,300,273 44
1820.....	2,630,392 31	4,387,990 00	315,750 01	2,592,921 94	9,926,154 26	3,208,376 31	13,134,530 57
1821.....	4,461,291 78	3,319,243 06	477,005 44	2,923,121 54	10,480,661 82	242,817 25	10,723,479 07
1822.....	3,111,981 48	2,224,458 98	575,007 41	1,867,996 24	7,879,444 11	1,648,190 40	9,527,634 51
1823.....	3,096,924 43	2,503,765 53	380,781 82	2,022,093 99	8,002,566 07	1,780,588 52	9,784,154 59
1824.....	3,340,939 85	2,904,581 56	429,957 90	7,155,308 81	13,830,818 12	1,499,326 59	15,330,144 71
1825.....	3,659,914 18	3,049,083 86	724,106 44	2,748,544 89	11,181,649 37	1,308,510 57	11,490,459 94
1826.....	3,943,194 37	4,218,902 45	743,447 83	2,000,177 79	11,505,722 44	1,556,593 83	13,062,316 27



1837...	3,948,977 88	4,363,877 45	750,624 88	2,713,476 88	11,676,956 79	976,138 86	12,653,095 65
1838...	4,145,544 56	3,918,786 44	705,084 24	3,675,052 64	12,445,467 88	850,573 57	13,296,041 45
1839...	4,724,201 07	3,908,745 47	576,344 74	3,082,234 65	11,661,615 93	949,594 47	12,611,210 40
1840...	4,767,128 88	3,236,428 63	622,062 47	3,237,416 04	11,866,286 02	1,363,397 81	13,229,533 33
1841...	4,841,835 55	3,856,183 07	930,738 04	3,082,234 65	12,663,402 76	1,170,665 14	13,854,067 90
1842...	5,446,031 88	3,956,370 39	1,352,419 75	4,577,141 45	15,331,966 37	1,584,422 40	16,516,388 77
1843...	6,704,019 10	3,901,356 75	1,802,980 93	5,716,245 93	18,124,602 71	4,589,152 40	22,713,755 11
1844...	5,696,189 38	3,956,350 42	1,003,953 20	4,404,728 95	15,061,131 95	3,364,285 30	18,425,417 25
1845...	5,759,156 89	3,864,939 06	1,706,444 48	4,226,698 53	15,161,131 95	3,954,711 32	17,514,950 28
1846...	11,747,345 25	5,807,718 23	5,037,032 88	5,393,279 72	27,985,366 08	2,882,797 96	30,868,164 04
1847...	13,682,730 80	6,646,914 53	4,348,036 19	9,893,370 97	34,571,051 79	2,672,162 45	37,243,214 24
1848...	12,897,224 16	5,504,191 34	5,504,191 34	7,160,664 76	31,693,680 79	2,156,057 29	33,849,718 08
1849...	8,916,995 80	6,182,334 25	2,538,917 28	5,735,990 89	23,364,198 22	3,142,750 51	26,496,948 73
1850...	7,095,267 23	6,113,596 89	2,331,794 86	5,995,398 96	21,536,357 94	2,603,562 17	24,139,920 11
1851...	8,801,610 24	6,001,076 97	2,514,897 12	6,490,881 45	23,808,405 78	2,388,434 51	26,196,840 29
1852...	6,610,438 02	8,397,242 95	1,199,099 68	6,775,624 61	22,982,405 26	1,378,931 33	24,361,336 59
1853*	2,908,671 95	3,727,711 53	578,371 00	3,202,713 00	10,417,467 48	839,041 12	11,256,508 60
1854...	5,218,183 66	6,498,199 11	1,256,532 39	5,645,183 86	18,618,099 02	2,032,008 99	20,650,108 01
1855...	5,746,201 28	6,297,177 80	1,539,351 35	5,911,760 98	19,494,581 50	2,400,788 11	21,895,369 61
1856...	10,413,370 58	6,455,013 92	1,027,693 64	6,711,283 89	24,007,362 03	1,811,097 56	26,418,459 59
1857...	35,840,030 33	7,900,635 76	1,430,411 30	6,885,608 35	52,036,685 74	1,744,893 63	53,801,569 37
1858...	27,688,334 21	9,408,476 02	1,252,296 81	5,650,851 25	43,999,958 29	1,327,496 48	45,327,454 77
1859...	14,558,473 26	7,886,705 92	1,374,161 55	12,885,334 24	38,604,674 97	1,328,867 64	39,933,542 61
1860...	9,687,024 58	7,904,724 66	1,663,591 47	16,043,763 36	35,299,104 07	1,896,886 02	37,165,990 09
1861...	12,161,965 11	8,890,581 38	2,839,801 77	17,888,992 18	41,761,340 44	2,393,377 22	44,054,717 66
1862...	8,521,506 19	8,918,542 10	3,043,576 04	17,504,171 45	37,988,095 78	2,401,858 78	40,389,954 56
1863...	9,910,498 49	11,067,789 53	3,880,494 12	17,403,068 01	42,321,850 15	1,756,306 50	44,078,156 35
1864...	11,732,282 87	10,790,096 32	1,550,339 55	26,673,144 68	50,734,883 42	1,322,665 00	51,967,548 42
1865...	11,648,074 07	13,327,095 11	2,772,960 78	24,000,423 43	54,538,585 39	1,477,612 33	56,316,197 72
1866...	16,963,160 51	14,074,834 64	2,644,293 87	31,794,938 87	65,476,297 99	1,396,229 65	66,772,527 64
1867...	19,139,150 87	12,651,694 61	4,354,418 87	28,565,498 77	64,730,783 12	1,310,380 58	66,041,143 70
1868...	25,679,121 63	14,053,264 64	4,978,266 18	26,400,016 42	71,110,668 87	1,219,768 30	72,330,437 17
1869...	23,154,720 53	14,690,927 90	3,490,534 53	23,797,544 40	65,133,737 36	1,222,222 71	66,355,950 07
1870...	16,472,202 72	11,514,949 83	2,991,121 54	27,977,978 30	58,955,952 32	1,100,802 32	60,056,754 71
1871...	23,001,530 67	12,387,156 52	2,895,481 17	23,327,287 69	61,581,456 05	1,034,599 73	62,616,055 78
Total, 72 years preceding the war...	\$571,914,213 39	\$360,042,168 18	\$86,904,164 35	\$687,845,595 23	\$1,506,706,141 15	\$80,738,327 06	\$1,587,444,468 21

\* For the half year from January 1, 1843, to June 30, 1843.

Year.	War.	Navy.	Indians.	Miscellaneous.	Net Ordinary Expenditures, without Pensions.	Pensions.	Net Ordinary Expenditures.
1862.....	\$389,173,562 29	\$42,640,353 09	\$2,327,948 37	\$21,385,862 59	\$455,527,726 34	\$852,170 47	\$456,379,896 81
1863.....	603,314,411 82	63,261,235 31	3,152,032 70	23,198,382 37	692,926,062 20	1,078,513 36	694,004,575 56
1864.....	690,391,048 66	85,704,963 74	2,629,975 97	27,572,216 87	806,298,205 24	4,985,473 90	811,283,679 14
1865.....	1,030,690,400 06	122,617,434 07	5,059,360 71	42,989,383 10	1,201,356,577 94	16,347,621 34	1,217,704,199 28
1866.....	283,154,676 06	43,285,662 00	3,295,729 32	40,613,114 17	370,349,181 55	45,605,549 88	385,954,731 43
	*3,621,780 07	*77,992 17	*53,286 61	*718,769 52	4,471,828 37	*4,737 87	*4,481,566 24
Total, 5 years during the war.....	\$3,000,345,878 96	\$357,587,640 38	\$16,518,333 68	\$156,477,728 62	\$3,530,929,581 64	\$38,879,066 82	\$3,569,808,648 46
* Outstanding warrants.							
1867.....	\$95,294,415 63	\$31,034,011 04	\$4,642,531 77	\$51,110,223 72	\$182,011,182 16	\$30,936,551 71	\$202,947,733 87
1868.....	123,246,648 62	35,775,592 72	4,100,682 32	53,009,867 67	206,132,701 33	23,782,386 78	229,915,088 11
1869.....	78,501,990 61	20,000,757 97	7,042,923 05	56,474,061 53	162,019,733 17	28,476,621 78	190,496,354 95
1870.....	37,655,675 40	21,780,229 87	3,407,938 15	53,237,461 56	136,081,304 98	38,340,202 17	164,421,507 15
1871.....	35,799,991 82	19,431,027 21	7,426,997 44	60,481,916 23	123,139,932 70	34,443,894 88	157,583,827 58
1872.....	35,372,157 20	21,240,809 99	7,061,728 82	60,984,757 42	124,668,453 43	28,533,402 76	153,201,856 19
1873.....	46,323,138 31	23,536,256 79	7,951,704 88	73,828,110 06	151,129,210 04	29,359,426 86	180,488,636 90
1874.....	42,313,927 22	30,932,587 42	6,692,462 09	85,141,593 61	165,080,570 34	23,098,474 66	184,178,985 00
1875.....	41,120,645 98	21,497,626 27	8,384,656 82	71,070,702 98	142,073,632 05	23,456,216 22	171,529,848 27
1876.....	38,070,888 64	18,963,309 82	5,900,558 17	73,590,661 04	136,600,417 67	28,257,395 69	164,857,813 36
1877.....	37,082,735 90	14,959,935 36	5,277,007 22	58,926,532 53	116,246,211 01	27,963,732 37	144,209,963 38
1878.....	32,154,147 85	17,365,301 37	4,628,280 28	53,177,703 57	107,326,433 07	27,137,019 08	134,463,452 15
1879.....	40,425,660 73	15,125,126 84	5,206,109 08	65,741,555 49	126,498,452 14	35,121,482 39	161,619,934 53
Total, 13 years since the war .....	\$703,292,023 91	\$281,641,482 67	\$77,730,580 10	\$816,284,147 41	\$1,879,008,234 09	\$370,846,767 25	\$2,249,855,001 34
RECAPITULATION.							
War.	Navy.	Indians.	Miscellaneous.	Net Ordinary Expenditures without Pensions.	Pensions.	Net Ordinary Expenditures.	
Ante-war period: 72 years.....							
War period: 5 years.....	\$360,042,168 18	\$86,904,164 35	\$487,845,595 23	\$1,506,706,141 15	\$80,738,327 06	\$1,587,444,468 21	
Post-war period: 13 years.....	357,587,640 38	16,518,333 68	156,477,728 62	3,530,929,581 64	38,879,066 82	3,569,808,648 46	
	281,641,482 67	77,730,580 10	816,284,147 41	1,879,008,234 09	370,846,767 25	2,249,855,001 34	
Grand Totals.....	\$999,271,291 23	\$181,213,078 13	\$1,460,607,471 26	\$6,916,643,956 88	\$490,464,161 13	\$7,407,108,118 01	



## CIVIL LIST AND NET ORDINARY EXPENDITURES OF THE UNITED STATES GOVERNMENT, BY PERIODS OF FOUR YEARS, AND ADMINISTRATIONS FROM THE ORGANIZATION OF THE GOVERNMENT.

ADMINISTRATION.	DATES.	CIVIL LIST.	NET ORDINARY EXPENDITURES.
1 Washington .....	1789 to Dec. 31, 1792	\$1,138,052 03	\$3,797,493 20
2 Washington .....	4 years, Dec. 31, 1796	1,607,969 07	12,093,205 35
3 Adams .....	4 years, Dec. 31, 1800	2,329,433 08	21,348,351 19
4 Jefferson .....	4 years, Dec. 31, 1804	2,297,648 17	17,174,432 96
5 Jefferson .....	4 years, Dec. 31, 1808	2,616,772 77	25,926,355 72
6 Madison .....	4 years, Dec. 31, 1812	2,887,197 98	36,117,357 98
7 Madison .....	4 years, Dec. 31, 1816	3,768,342 61	108,537,086 89
8 Monroe .....	4 years, Dec. 31, 1820	4,494,606 42	57,698,087 71
9 Monroe .....	4 years, Dec. 31, 1824	4,665,602 11	45,665,421 88
10 J. Q. Adams .....	4 years, Dec. 31, 1828	5,271,124 34	50,501,918 31
11 Jackson .....	4 years, Dec. 31, 1832	6,081,307 73	56,270,480 62
12 Jackson .....	4 years, Dec. 31, 1836	7,659,086 86	89,522,286 68
13 Van Buren .....	4 years, Dec. 31, 1840	9,899,496 58	121,729,801 16
14 Harrison .....	4 years, June 30, 1845	11,508,546 86	104,360,163 10
15 Polk .....	4 years, June 30, 1849	10,615,571 14	165,381,026 34
16 Taylor .....	4 years, June 30, 1853	14,214,458 90	165,684,050 48
17 Pierce .....	4 years, June 30, 1857	25,036,171 74	232,820,632 35
18 Buchanan .....	4 years, June 30, 1861	25,180,671 32	261,165,809 62
19 Lincoln .....	4 years, June 30, 1865	30,765,508 71	3,176,017,346 93
20 Johnson .....	4 years, June 30, 1869	66,412,391 61	1,012,420,202 14
21 Grant .....	4 years, June 30, 1873	98,989,774 16	656,066,892 39
22 Grant .....	4 years, June 30, 1877	69,313,353 23	684,716,609 91
For one year ending June 30, 1878:			
Hayes .....	June 30, 1879	15,450,345 30	153,608,681 28
	June 30, 1880	15,430,781 30	163,466,493 27
		16,287,457 73	161,360,037 17

## ARMY, NAVY AND PENSION APPROPRIATIONS.

It is not infrequently the case that the charge is made by Republicans in Congress and by the Republican press that the Democracy are not disposed to make liberal appropriations for the army and navy and for the pensions of soldiers. As facts and figures are more convincing than argument and expostulation, we submit the following table carefully prepared from the statutes:

## APPROPRIATIONS ON ACCOUNT OF THE ARMY, NAVY AND PENSIONS FOR THE TEN FISCAL YEARS COMMENCING 1871 AND ENDING 1880.

Years.	Army.	Navy.	Total Army and Navy.	Pensions.	Total each Year.
1871 .....	\$29,321,367 22	\$19,250,290 29	\$48,571,657 51	\$30,000,000 00	\$78,571,657 51
1872 .....	27,719,580 00	19,532,317 25	47,551,897 25	29,050,000 00	76,601,897 25
1873 .....	28,683,615 32	18,296,733 95	46,980,349 27	30,480,000 00	77,460,349 27
1874 .....	31,796,008 81	22,276,257 65	54,072,266 46	30,480,000 00	84,552,266 46
1875 .....	27,788,500 00	20,813,946 20	48,602,446 20	29,580,000 00	78,582,446 20
1876 .....	27,933,830 00	17,001,006 40	44,934,836 40	30,000,000 00	74,934,836 40
1877 .....	25,987,167 90	12,742,155 40	38,729,323 30	29,533,500 00	68,262,823 30
1878 .....	25,612,500 00	13,541,024 40	39,153,524 40	28,533,000 00	67,686,524 40
1879 .....	25,593,486 01	14,152,603 70	39,746,089 71	29,371,574 00	69,117,663 71
1880 .....	26,788,300 00	14,029,968 95	40,818,268 95	56,233,200 00	97,051,468 95
Deficiencies .....	15,675,447 00	7,630,160 00	23,305,607 00	9,930,000 00	33,235,607 00
Grand Totals .....	\$292,899,802 26	\$179,566,464 19	\$472,466,266 45	\$333,591,274 00	\$806,057,540 45

Estimating the average population of the country for the past ten years at 44,807,000, a liberal estimate, the *per capita* cost of the army during that period has been \$6.53, of the Navy \$4.01, and of pensions \$7.44, or \$17.98 for the three combined, which is equal to a per annum cost *per capita* of \$1.79.

## PATRONAGE OF THE UNITED STATES GOVERNMENT.

[From the *Express Almanac*.]

It will be seen from the following table that the Navy Department contains a list of only one hundred and twenty-eight civilians in its employ. It is difficult to account for this glaring omission, but by accepting the statement of a politician who remarked that (politically) a late Secretary of the Navy "knew how to run his department." A careful estimate of the number of civil employees in this department, shows that in times of peace, which means that portion of the year in which elections do not occur, it does not vary much from 10,500.

In the table of Post-Office Department, page 30, the total number of employees, as recorded in the "Official Register," is 62,672. This is probably only about two-thirds of the number of persons (contractors excepted) who are employed, directly and indirectly, in this branch of the government service. In giving its list of employees, this department only records those which it directly pays, and has no definite knowledge of the deputy clerks, which are generally hired by postmasters. It has been estimated by some officers in the Postmaster-General's office that the number of deputy clerks in post-offices are equal to the number of postmasters, or an average of one to each post-office in the country. As the number of postmasters at the close of the present fiscal year was 40,855, this would swell the patronage of the Post-office Department to the enormous figures of 100,000 employees. But, casting this estimate aside, the number officially known to the department, as recorded in table on page 30 of Official Register, is 766,500.

In the Treasury Department, the tables on page 29, are short over three thousand names, as compared to the number which were employed at the end of the present fiscal year.

In the Judiciary Department, the "Register" contains the record of only sixty-five United States marshals, and not one supervisor of elections. A careful estimate shows that there are, altogether, fully 2,500 deputy marshals and clerks in marshals' offices. It is also not an overestimate to say that in times of Congressional elections there are about six thousand United States supervisors. In addition to all these, there are some five thousand men employed in the different international improvements prosecuted by the government. Taking all these facts, we have the following as the total of the patronage of the national administration :



Number of Employees recorded in "Register".....	74,431
Deficiency as to Naval Department.....	10,500
Deficiency as to Post-Office Department.....	6,500
Deficiency as to Treasury Department.....	3,000
Deficiency as to Deputy Marshals and Clerks.....	2,500
Deficiency as to Supervisors of Election.....	6,000
Deficiency as to Employees on Internal Improvements.....	5,000
Total.....	107,931

## INTEREST ON THE PUBLIC DEBT.

The interest paid on the public debt for the fiscal years from 1873 to 1879 inclusive, is, according to the official report of the Secretary of the Treasury, as follows:

1873.....	\$104,750,688 44
1874.....	107,119,815 21
1875.....	103,093,544 77
1876.....	100,243,271 23
1877.....	97,124,511 58
1878.....	102,500,874 05
1879.....	105,327,949 00

## PRINCIPAL OF THE PUBLIC DEBT.

In the official report of the Secretary of the Treasury is the following statement of outstanding principal of the public debt on July 1st, from 1869 to 1879, inclusive:

1869.....	\$2,588,452,213 94
1870.....	2,480,672,427 81
1871.....	2,353,211,332 32
1872.....	2,253,251,328 78
1873.....	2,234,482,993 20
1874.....	2,251,690,468 43
1875.....	2,232,284,531 95
1876.....	2,180,395,067 15
1877.....	2,205,301,392 10
1878.....	2,256,205,892 53
1879.....	2,349,567,482 04

THE TERRITORY OF THE UNITED STATES, SHOWING ITS ORIGINAL EXTENT; HOW, WHEN, AND UNDER WHAT ADMINISTRATION IT HAS BEEN INCREASED; ALSO AREA OF THE STATES AND TERRITORIES BY SQUARE MILES AND ACRES.

(Taken from the 9th official census.)

State or Territory.	Treaty of 1783. Original Territory of U. S.	Louisiana Purchase, 1803. By Thos. Jefferson.	Spanish Cession, 1819. By James Monroe.	Texas, by Joint Resolution, 1845. John Tyler.	Mexican Cession, 1848. By James K. Polk.	Gadsden Purchase, 1853. Franklin Pierce.	Alaska Purchase, 1868. Andrew Johnson.	Total Square Miles.	Total Acres.
Alabama	48,422		2,300					50,722	32,462,080
Arizona					82,381	31,535		113,916	72,906,240
Arkansas		52,198						52,198	33,406,720
Alaska							577,390	577,390	369,529,600
California					188,981			188,981	120,947,840
Colorado		57,000			47,500			104,500	66,880,000
Connecticut	4,750							4,750	3,040,000
Dakota		150,932						150,932	96,596,480
Delaware	2,120							2,120	1,356,800
District of Columbia	64							64	40,960
Florida			59,268					59,268	37,931,520
Georgia	58,000							58,000	37,120,000
Idaho		86,294						86,294	55,228,160
Illinois	55,410							55,410	35,462,400
Indiana	33,809							33,809	21,627,760
Indian Territory		68,991						68,991	44,154,240
Iowa		55,045						55,045	35,228,800
Kansas		73,542			7,776			81,318	52,043,520
Kentucky	37,680							37,680	24,115,200
Louisiana		37,602	3,744					41,346	26,461,440
Maine	35,000							35,000	22,400,000
Maryland	11,124							11,124	7,119,360
Massachusetts	7,800							7,800	4,992,000
Michigan	56,451							56,451	36,128,640
Minnesota	26,000	57,531						83,531	53,459,840
Mississippi	43,556		3,600					47,156	30,179,840
Missouri		65,350						65,350	41,824,000
Montana		143,776						143,776	92,016,640
Nebraska		75,995						75,995	48,636,800
Nevada					104,125			104,125	66,640,000
New Hampshire	9,280							9,280	5,939,200
New Jersey	8,320							8,320	5,324,800
New Mexico					107,201	14,000		121,201	77,568,640
New York	47,000							47,000	30,080,000
North Carolina	50,704							50,704	32,450,560
Ohio	39,964							39,964	25,576,960
Oregon		95,274						95,274	60,975,360
Pennsylvania	46,000							46,000	29,440,000
Rhode Island	1,306							1,306	835,840
South Carolina	34,000							34,000	21,760,000
Tennessee	45,600							45,600	29,184,000
Texas				274,356				274,356	175,587,840
Utah					84,476			84,476	54,064,640
Vermont	10,212							10,212	6,535,680
Virginia	38,348							38,348	24,542,720
Washington Territory		69,994						69,994	44,796,160
West Virginia	23,000							23,000	14,720,000
Wisconsin	53,924							53,924	34,511,360
Wyoming Territory		83,563			14,320			97,883	62,645,120
	827,844	1,173,087	68,912	274,356	636,760	45,535	577,390	3,603,884	2,306,485,760



## AREAS IN SQUARE MILES.

Maine.....	35,000	Connecticut.....	4,700	Maryland.....	11,000
New Hampshire.....	9,300	New York.....	47,000	Ohio.....	40,000
Vermont.....	10,200	New Jersey.....	8,000	Indiana.....	33,800
Massachusetts.....	7,800	Pennsylvania.....	46,000		
Rhode Island.....	1,300	Delaware.....	2,100	Total.....	256,200

Republican land grants, 294,758 square miles.

Valuation per acre, average, \$2.50.

Total valuation, \$736,895,000.

# LOANING THE PUBLIC CREDIT TO CORPORATIONS.

BONDS ISSUED TO THE PACIFIC RAILWAY COMPANIES, INTEREST PAYABLE BY THE UNITED STATES.

NAME OF RAILWAY.	Rate.	Principal Outstanding.	Interest Accrued and Not yet paid.	Interest Paid by the United States.	Interest Repaid by Companies.		Balance of Interest Paid by the United States.
					By Transportation Service.	By cash payments; 5% net earnings.	
Central Pacific.....	6%	\$25,885,120 00	\$776,553 60	\$18,016,680 07	\$3,200,389 64	\$648,271 96	\$14,168,018 47
Kansas Pacific.....	6%	6,303,000 00	180,000 00	4,805,703 09	2,447,397 28	.....	2,358,305 81
Union Pacific.....	6%	27,236,512 00	817,095 36	19,238,182 89	7,804,484 37	.....	11,433,698 52
Central Branch, U. P. ....	6%	1,600,000 00	48,000 00	1,219,808 26	47,621 69	6,926 91	1,159,259 66
Western Pacific.....	6%	1,970,560 00	59,116 80	1,254,431 34	9,307 00	.....	1,245,064 34
Sioux City and Pacific.....	6%	1,628,320 00	48,849 60	1,122,350 29	106,032 57	.....	1,016,317 72
Totals.....	.....	\$64,623,512 00	\$1,998,705 36	\$45,651,155 94	\$13,615,292 55	\$655,198 87	\$31,380,664 52

The foregoing is a correct statement of the Public Debt, as appears from the books and Treasurer's Returns in the Treasury Department at the close of business, June 30, 1880.

JOHN SHERMAN,  
*Secretary of the Treasury.*



# SOME OF GENERAL HANCOCK'S ORDERS

WHILE IN COMMAND OF THE FIFTH MILITARY DISTRICT,

AGAINST REMOVAL OF CIVIL OFFICERS BY MILITARY—PROHIBITING MILITARY INTERFERENCE IN SELECTION OF JURORS—SUSTAINING JURISDICTION OF CIVIL COURTS—PROHIBITING MILITARY AT THE POLLS—AGAINST STAY OF CIVIL PROCESS—AGAINST MILITARY COMMISSIONS—ON ELECTIONS—DISCLAIMING JUDICIAL FUNCTIONS—DECLINES TO EXERCISE RIGHT OF EMINENT DOMAIN—REVOKING ORDERS INTERFERING WITH REGISTRATION—CONCERNING TAXATION—LETTER AGAINST USURPATION OF FREEDMEN'S BUREAU.

The object of the following pages is to direct the attention of those whom, for political or other reasons, it may concern, to the services of General Hancock in maintaining the civil rights of citizens. The celebrated order No. 40 and also General Hancock's letter to Gov. Pease have been produced in the Life of the General, which will be found in another part of this book. The object here is to present a few from a large number of General Hancock's orders and letters, which exhibit his exalted statesmanship on all the questions of importance upon which he was called upon to act in his civil career in Louisiana and Texas. The documents selected are but a few out of a mass of similar material. But they will be sufficient to illustrate the principles upon which his administration of public affairs was conducted.

ORDER OF GENERAL HANCOCK REVOKING A SUMMARY REMOVAL FROM OFFICE, MADE BY HIS PREDECESSOR, AND REFERRING THE COMPLAINT TO THE JUDICIAL TRIBUNALS.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., December 4, 1867. }

SPECIAL ORDERS No. 202.

[EXTRACT.]

\* \* \* \* \*

2. Paragraph 3, of special orders No. 188, from these headquarters, dated November 16th, 1867, issued by Brevet Major-General Mower, removing P. R. O'Rourke, Clerk of Second District Court, Parish of Orleans, for malfeasance in office, and appointing R. L. Shelly in his stead, is hereby revoked, and P. R. O'Rourke is reinstated in said office.

If any charges are set up against the said O'Rourke, the judicial department of

the government is sufficient to take whatever action may be necessary in the premises.

\* \* \* \* \*

By command of MAJOR-GENERAL HANCOCK.

[Official.]

ORDER OF GENERAL HANCOCK REVOKING THE ORDER OF HIS  
PREDECESSOR WHICH INTERFERED WITH THE SELECTION  
OF JURORS, AND DEFINING THE TRUE AND PROPER USE OF  
MILITARY POWER.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., December 5, 1867. }

SPECIAL ORDERS No. 203.

[EXTRACT.]

\* \* \* \* \*

2. The true and proper use of military power, besides defending the national honor against foreign nations, is to uphold the laws and civil government, and to secure to every person residing among us, the enjoyment of life, liberty and property. It is accordingly made, by act of Congress, the duty of the commander of this district to protect all persons in those rights, to suppress disorder and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals.

The Commanding General has been officially informed that the administration of justice, and especially of criminal justice, in the courts, is clogged, if not entirely frustrated, by the enforcement of paragraph No. 2, of the military order numbered special orders 125, current series, from these headquarters, issued on the 24th of August, A. D. 1867, relative to the qualifications of persons to be placed on the jury lists of the state of Louisiana.

To determine who shall, and who shall not be jurors, appertains to the legislative power ; and until the laws in existence regulating this subject shall be amended or changed by that department of the civil government, which the constitutions of all the states under our republican system vest with that power, it is deemed best to carry out the will of the people as expressed in the last legislative act upon this subject.

The qualification of a juror, under the law, is a proper subject for the decision of the courts. The Commanding General, in the discharge of the trust reposed in him, will maintain the just power of the judiciary, and is unwilling to permit the civil authorities and laws to be embarrassed by military interference ; and as it is an established fact that the administration of justice in the ordinary tribunals is greatly embarrassed by the operations of paragraph No. 2, special orders No. 125, current series, from these headquarters, it is ordered that said paragraph, which relates to the qualifications of persons to be placed on the jury lists of the state of Louisiana, be, and the same is hereby revoked, and that the trial by jury be henceforth regulated and controlled by the constitution and civil laws, without regard to any military orders heretofore issued from these headquarters.

\* \* \* \* \*

By command of MAJOR-GENERAL HANCOCK.

[Official.]



# ORDER SUSTAINING THE JURISDICTION OF THE CIVIL COURTS OVER THE RIGHTS OF PRIVATE PROPERTY.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., December 16, 1867. }

SPECIAL ORDERS No. 211.

## EXTRACT.

\* \* \* \* \*

4. Paragraph 3, of special orders No. 197, current series, from these headquarters, issued by Brevet Major-General J. A. Mower, in the matter of the estate of D. B. Staats, is hereby revoked, the local tribunals possessing ample power for the protection of all parties concerned. The property in dispute will be restored to the possession of the party entitled to the same by order of court.

\* \* \* \* \*

By command of MAJOR-GENERAL HANCOCK.

[Official.]

# ORDER TO SECURE THE PURITY OF ELECTIONS, AND TO PRE- VENT MILITARY INTERFERENCE AT THE POLLS.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., December 18, 1867. }

SPECIAL ORDERS No. 213.

## EXTRACT.

I. In compliance with the supplementary act of Congress of March 23d, 1867, notice is hereby given that an election will be held in the state of Texas on the 10th, 11th, 12th, 13th and 14th days of February, 1868, to determine whether a convention shall be held, and for delegates thereto, "to form a constitution" for the state under said act.

\* \* \* \* \*

IX. Military interference with elections, "unless it shall be necessary to keep the peace at the polls," is prohibited by law, and no soldiers will be allowed to appear at any polling place, unless as citizens of the state they are registered as voters, and then only for the purpose of voting; but the commanders of posts will be prepared to act promptly if the civil authorities fail to preserve the peace.

X. The sheriff and other peace officers of each county are required to be present during the whole time the polls are kept open, and until the election is completed, and will be made responsible that there shall be no interference with judges of election, or other interruption of good order.

As an additional measure to secure the purity of the election, each registrar or clerk is hereby clothed, during the election, with authority to call upon the civil officers of the county to make arrests, and in case of failure of the aforesaid civil officers, are empowered to perform their duties during the election. They will make full report of such failures on the part of civil officers to the Commanding General, Fifth Military District, through the headquarters, District of Texas, for orders in each case.

\* \* \* \* \*

By command of MAJOR-GENERAL HANCOCK.

[Official].

## ON THE STAY OF CIVIL PROCESS.

HEADQUARTERS FIFTH MILITARY DISTRICT,  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS.

New Orleans, La., December 20, 1876. }

The Hon. E. HEATH, *Mayor of New Orleans*:

SIR:—In answer to your communication of the 30th ult., requesting his intervention in staying proceedings in suits against the city on its notes, the Major-General Commanding directs me to respectfully submit his views to you on that subject, as follows:

Such a proceeding on his part would, in fact, be a stay-law in favor of the city of New Orleans, which, under the Constitution, could not be enacted by the legislature of the state, and in his judgment such a power ought to be exercised by him, if at all, only in a case of the most urgent necessity.

That the notes referred to were issued originally in violation of the charter of the city, cannot be denied; but the illegal act has since been ratified by the legislature. The corporation is therefore bound to pay them; and even if a defense could be made on technical grounds, it would be disgraceful for the city to avail itself of it. Why, then, should the creditors of the city be prevented from resorting to the means given them to enforce the obligation?

In support of your application you state that the city is unable to pay its debts. This is unfortunately the case with most debtors; and on that ground nearly all other debtors would be equally entitled to the same relief.

The Supreme Court of this state has decided that taxes due a municipal corporation cannot be seized, under execution, by a creditor of the corporation, nor is any other property used for municipal purposes liable to seizure. If, therefore, a constable levies an execution on such property, he is a trespasser, and the city has its remedy against him in the proper tribunal.

It does not, therefore, seem to the Major-General Commanding that there is an urgent necessity which would justify his interference in the manner required. Besides, the expediency of such a measure is more than questionable; for, instead of reinstating the confidence of the public in city notes, it would probably destroy it altogether.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,

Bvt. Lieut.-Col., U. S. A., Sec'y for Civil Affairs.

## ON THE TRIAL OF OFFENDERS AGAINST THE LAWS OF THE STATE.

HEADQUARTERS FIFTH MILITARY DISTRICT,  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,

New Orleans, La., December 28, 1876. }

His Excellency E. M. PEASE, *Governor of Texas*:

SIR: Brevet Major-General J. J. Reynolds, commanding District of Texas, in a communication dated Austin, Texas, November 19, 1867, requests that a military commission may be ordered "for the trial of one G. W. Wall, and such other prisoners as may be brought before it," and forwards, in support of the request, the following papers:

1st. A printed account taken from a newspaper dated Uvalde, October —, 1867 (contained in a letter of James H. Taylor, and in another from Dr. Ansell, U. S. Surgeon at Fort Inge), of the murder of R. W. Black, on the — day of



October, 1867. In this account it is stated Mr. Black was shot through the heart by G. W. Wall "while lying on the counter at Mr. Thomas' store."

2d. A letter of Judge G. H. Noonan to Governor Pease, dated November 10, 1867, informing him that "Wall, Thacker and Pulliam are in confinement in Uvalde county for murder." In this letter it is asked, "Would it not be best to try them by military commission?"

3d. A letter from Governor Pease, dated "Executive of Texas, Austin, November 11, 1867," in which the governor states that he received a telegram from Judge G. H. Noonan, an extract from which I transmit herewith. In the letter of the governor the further statement is made that "Uvalde county, where the prisoners are confined, is on the extreme western frontier of the state, and has only about one hundred voters in a territory of about nine hundred square miles;" and he then adds, "It is not probable that they (meaning the prisoners) can be kept in confinement long enough ever to be tried by the civil courts of that county; and express the opinion that they never "can be brought to trial unless it is done before a military commission." And he therefore asks that a military commission be ordered for their trial.

From an examination of the papers submitted to the commander of the Fifth Military District, it does not appear that there is any indisposition or unwillingness on the part of the local civil tribunals to take jurisdiction of and to try the prisoners in question; and a suggestion made by the governor that it is not probable that the prisoners can be kept in confinement long enough to be tried by the civil courts (and which is apparently based on the fact that Uvalde county is a frontier county, and does not contain more than a hundred voters), seems to be the only foundation on which the request for the creation of a military commission is based. This, in the opinion of the Commanding General, is not sufficient to justify him in the exercise of the extraordinary power vested in him by law "to organize military commissions or tribunals" for the trial of persons charged with offenses against the laws of a state.

It is true that the third section of "An Act to provide for the more efficient government of the Rebel States," makes it the duty of the commanders of military districts "to punish, or caused to be punished, all disturbers of the public peace and criminals;" but the same section also declares that "to that end he may allow local civil tribunals to take jurisdiction of and to try offenders." The further power given to him in the same section, "when in his judgment it may be necessary for the trial of offenders," to organize military commissions for that purpose, is an extraordinary power, and from its very nature should be exercised for the trial of offenders against the laws of a state only in the extraordinary event that the local civil tribunals are unwilling or unable to enforce the laws against crime.

At this time the country is in a state of profound peace. The state government of Texas, organized in subordination to the authority of the government of the United States, is in the full exercise of all its proper powers. The courts, duly empowered to administer the laws, and to punish all offenders against those laws, are in existence. No unwillingness on the part of these courts is suggested to inquire into the offenses with which the prisoners in question are charged, nor are any obstructions whatever in the way of enforcing the laws against them said to exist. Under such circumstances there is no good ground for the exercise of the extraordinary power vested in the commander to organize a military commission for the trial of the persons named.

It must be a matter of profound regret to all who value constitutional govern-

ment, that there should be occasions in times of civil commotion, when the public good imperatively requires the intervention of the military power for the repression of disorders in the body politic, and for the punishment of offenses against the existing laws of a country framed for the preservation of social order; but that the intervention of this power should be called for, or even suggested, by civil magistrates, when the laws are no longer silent and civil magistrates are possessed, in their respective spheres, of all the powers necessary to give effect to the laws, excites the surprise of the commander of the Fifth Military District.

In his view it is of evil example, and full of danger to the cause of freedom and good government, that the exercise of the military power, through military tribunals created for the trial of offenses against the civil law, should ever be permitted, when the ordinary powers of the existing state governments are ample for the punishment of offenders, if those charged with the administration of the laws are faithful in the discharge of their duties.

If the means at the disposal of the state authorities are insufficient to secure the confinement of the persons named in the communication of the governor of the state of Texas to the general commanding there, until they can be legally tried, on the fact being made known to him, the commander of the district will supply the means to retain them in confinement, and the commanding officer of the troops in Texas is so authorized to act. If there are reasons in existence which justify an apprehension that the prisoners cannot be fairly tried in that county, let the proper civil officers have the "venue" changed for the trial, as provided for by the laws of Texas.

In the opinion of the commander of the Fifth Military District, the existing government of the state of Texas possesses all the powers necessary for the proper and prompt trial of the prisoners in question in due course of law.

If these powers are not exercised for that purpose, the failure to exercise them can be attributed only to the indolence or culpable inefficiency of the officers now charged with the execution and enforcement of the laws under the authority of the state government; and if there is such a failure, in the instance mentioned, on the part of those officers to execute the laws, it will then become the duty of the commander to remove the officers who fail to discharge the duties imposed on them, and to replace them with others who will discharge them.

Should these means fail, and it be found, on further experience, that there are not a sufficient number of persons among the people now exercising political power in Texas, to supply the public with officers who will enforce the laws of the state, it will then become necessary for the commander of the Fifth Military District to exercise the powers vested in him, by the acts of Congress under which he is appointed, for the purpose of vindicating the majesty of the law. But until such necessity is shown to exist, it is not the intention of the Commanding General to have recourse to those powers; and he deems the present a fitting occasion to make this known to the governor of Texas, and through him to the people of the state at large.

I am sir, very respectfully, your obedient servant,

W. G. MITCHELL,  
Bvt. Lieut.-Col., U. S. A., Sec'y for Civil Affairs.



## ON ELECTIONS BY THE PEOPLE.

HEADQUARTERS FIFTH MILITARY DISTRICT,  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,  
New Orleans, La., December, 28, 1867. }

Lieutenant-Colonel W. H. WOOD, *Commanding District of Louisiana, New Orleans, La.:*

COLONEL:—I am directed by the Major-General Commanding to acknowledge receipt of a letter from Nelson Durand (forwarded by you), stating that the treasurer of Avoyelles parish, Louisiana, refused an election to be held to ascertain if the citizens of the township were in favor of selling a school section belonging to the parish, and requesting an opinion as to the legality of said election.

In reply to said letter, I am directed by him to state that if the provision of the law were complied with in regard to advertisements, the manner of taking the sense of the inhabitants and legal voters only were admitted to take part, there seems to be no reason why the action should be considered a nullity. It was not, properly speaking, an election, but a way prescribed by law of arriving at the will of the community as regards the disposition to be made of certain school lands belonging to the parish.

The previous authorization of the Major-General Commanding is not considered necessary. But if the sense of the people was not duly regarded (on the previous occasion) as to the foregoing requirements, the matter should be again referred to them for a free and legal expression of their opinion.

I am, Colonel, very respectfully, your obedient servant,

W. G. MITCHELL,  
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

## ON REMOVALS FROM OFFICE WITHOUT JUDICIAL INVESTIGATION AND DETERMINATION.

HEADQUARTERS FIFTH MILITARY DISTRICT,  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,  
New Orleans, La., December 30th, 1867. }

His Excellency B. F. FLANDERS, Governor of Louisiana:

GOVERNOR:—I am directed by the Major-General Commanding to acknowledge the receipt of your communication of the 11th inst., with papers and documents accompanying the same, charging the Police Jury, parish of Orleans, right bank, with appropriating to their own use and benefit the public funds of said parish, and with being personally interested in contracts let by them, and recommending the removal from office of the president and members of said Police Jury; and in reply to state that these charges present a proper case for judicial investigation and determination; and as it is evident to him that the courts of justice can afford adequate relief for the wrongs complained of, if proved to exist, the Major-General Commanding has concluded that it is not advisable to resort to the measures suggested in your excellency's communication.

I am, Governor, very respectfully, your obedient servant,

W. G. MITCHELL,  
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

# ORDER OF GENERAL HANCOCK DISCLAIMING JUDICIAL FUNCTIONS IN CIVIL CASES.

GENERAL ORDERS No. 1. HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., January 1, 1868. }

Applications have been made at these headquarters implying the existence of an arbitrary authority in the Commanding General touching purely civil controversies.

One petitioner solicits this action, another that, and each refers to some special consideration of grace or favor which he supposes to exist, and which should influence this Department.

The number of such applications and the waste of time they involve, make it necessary to declare that the administration of civil justice appertains to the regular courts. The rights of litigants do not depend on the views of the general—they are to be adjudged and settled according to the laws. Arbitrary power, such as he has been urged to assume, has no existence here. It is not found in the laws of Louisiana or of Texas—it cannot be derived from any act or acts of Congress—it is restrained by a constitution and prohibited from action in many particulars.

The Major-General Commanding takes occasion to repeat that while disclaiming judicial functions in civil cases, he can suffer no forcible resistance to the execution of process of the courts.

By command of MAJOR-GENERAL HANCOCK.  
[Official.]

## COMMUNICATION CONCERNING AN APPLICATION BY A RAILROAD COMPANY.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS, }  
New Orleans, La., January 2d, 1868. }

HENRY VAN VLEET, Esq., Chief Engineer:

SIR:—In reply to your communication, requesting the Major-General commanding to issue a certain order relative to the New Orleans, Mobile and Chattanooga Railroad Company, I am directed by him to state:

That the order asked for embraces questions of the most important and delicate nature, such as the exercise of the right of eminent domain, obstruction of navigable rivers or outlets, etc., and it appears to him very questionable whether he ought to deal with questions of that kind; nor is it clear that any benefit could result to the company from such an order.

So far as the state of Louisiana is concerned, there can be no difficulty in obtaining a decree of appropriation of the land which may be required for the enterprise, according to the existing laws, as the company has been regularly incorporated under the general corporation act. Be this, however, as it may, the question of *power*, which the company desires solved by the proposed order, belongs properly to the judiciary and therefore the Major-General Commanding declines to take action in this matter.

If you desire, the papers in this case, together with a copy of this letter, will be forwarded to the Secretary of War.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,  
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.



ORDER OF GENERAL HANCOCK REVOKING CERTAIN INSTRUCTIONS ISSUED BY HIS PREDECESSOR TO THE BOARDS OF REGISTRATION, AND RELATING TO THE DUTIES OF BOARDS OF REGISTRATION.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., January 11, 1868. }

GENERAL ORDERS No. 3.

Printed "Memoranda of disqualifications for the guidance of the Board of Registrars, under the Military bill passed March 2, 1867, and the bill supplementary thereto," and "Questions to be answered by persons proposing to register," were distributed from these headquarters in the month of May, 1867, to the members of the Boards of Registration, then in existence in the states of Louisiana and Texas, for the registration of "the male citizens of the United States" who are qualified to vote for delegates under the acts entitled "An Act to provide for the more efficient government of the rebel states."

These "Memoranda" and "Questions" are as follows :

[The Memoranda, being lengthy, are omitted.]

Grave differences of opinion exist among the best informed and most conscientious citizens of the United States, and the highest functionaries of the national government, as to the proper construction to be given to the acts of Congress prescribing the qualifications entitling persons to be registered as voters, and to exercise the right of suffrage at the elections to be holden under the act entitled "An Act to provide for the more efficient government of the rebel states" and the acts supplementary thereto. Such differences of opinion are necessary incidents to the imperfection of human language when employed in the work of legislation.

Upon examining those acts, the Commanding General finds himself constrained to dissent from the construction given to them in the "Memoranda" referred to. This construction would of course necessarily exclude all officers holding offices created under *special* acts of the state legislatures, including all officers of municipal corporations, and of institutions organized for the dispensation of charity, under the authority of such special laws. Such a construction, in the opinion of the Major-General Commanding, has no support in the language of the acts of Congress passed on the 2d and 23d of March, 1867, which were the only acts in existence when these "Memoranda" were distributed. Since that time, however, what was before, in the opinion of the Commanding General, only an error of construction, would now be a contravention of the law, as amended and defined in the Act of July 19, 1867.

The Major-General Commanding also dissents from various other points in the construction given to the disqualifying clauses of the acts in question, as shown by the "Memoranda" referred to, but he will add nothing further to what he has already said on the subject, because his individual opinions cannot rightfully have, and ought not to have, any influence upon the Boards of Registration in the discharge of the duties expressly imposed upon and intrusted to them by these acts of Congress as they now stand. The Boards of Registration are bodies created by law with certain limited but well-defined judicial powers. It is made their especial duty "to ascertain, upon such facts as they can obtain, whether any person applying is entitled to be registered" under the acts. Their decisions upon the cases of individual applicants are final as to the right, unless appeals are taken, in the proper form, and carried before competent superior authority for revision; and, like the members of ordinary courts engaged in the exercise of

judicial functions, it is the bounden duty of the members of the Boards of Registration to decide upon the questions as to the right of any applicant, on the facts before them, and in obedience to the provisions of the law.

Since the passage of the act of July 19, 1867, it is not only the right, but the solemn duty of the members of these boards, each for himself, and under the sanction of his oath of office, to interpret the provisions of the acts from which the authority of the boards was derived, and to decide upon each case according to the best of his own judgment.

The distribution of the above "Memoranda" was well calculated to produce the impression in the minds of the members of Boards of Registration, that they constituted rules prescribed to them for their government in the discharge of their official duties which they were required to obey; and it seems certain from various communications of facts in relation to the mode of carrying out the registration, that they were so regarded by the members of the boards, and that they not only influenced, but in point of fact, controlled the proceedings of the different boards.

In consequence of this, and as the time for the revision of the registration in the state of Texas is now at hand, and the duty of making the revision will, it is probable, in a great degree be performed by persons who are members of the Boards of Registration, to which the "Memoranda" in question were distributed for their guidance, the Major-General Commanding deems it of importance that the members of the Boards of Registration, and the people at large, should be informed that the "Memoranda" before referred to, distributed from the headquarters of this Military District, are null and of no effect, and are not now to be regarded by the Boards of Registration in making their decisions; and that the members of the Boards are to look to the laws, and to the laws alone, for the rules which are to govern them in the discharge of the delicate and important duties imposed upon them.

For this purpose they will be furnished with copies of the acts of Congress relating to this subject, and of the amendment (known as Article XIV.) to the Constitution of the United States.

In case of questions arising as to the right of any individual to be registered, the person deeming himself aggrieved, is entitled to his appeal from the decision of the Board, and the Boards are directed to make a full statement of the facts in such cases, and to forward the same to these headquarters without unnecessary delay.

By command of MAJOR-GENERAL HANCOCK.

[Official.]

#### ORDER FOR CONVENING A SPECIAL CIVIL COURT FOR THE TRIAL OF CRIMINAL CASES.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., January 2, 1868. }

SPECIAL ORDERS No. 1.

[EXTRACT.]

\* \* \* \* \*

3. *Whereas*, The presence of an epidemic at Corpus Christi has prevented the holding of the usual term of the District Court of Nueces county, Texas; and

*Whereas*, A large number of criminal cases are on the docket of said court that should be tried without delay:

*It is therefore ordered*, That a special term of the District Court for Nueces



county shall be held on Monday, the thirteenth day of January, 1868, for the trial of all criminal cases that may be brought before it.

Such court shall continue in session for three weeks, unless the business before it is sooner disposed of.

All process in criminal cases shall be, and they are hereby made, returnable to the said special term of said court.

The proper officers of that county will cause the usual number of jurymen to be drawn and summoned.

\* \* \* \* \*

By command of MAJOR-GENERAL HANCOCK.  
[Official.]

### CONCERNING THE LEVY OF A SPECIAL TAX.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS, }  
New Orleans, La., January 12, 1868. }

His Excellency E. M. PEASE, Governor of Texas, Austin, Texas:

*Governor*: I am directed by the Major-General Commanding to acknowledge the receipt of your letter and accompanying documents relative to an application from the Mayor and City Council of Houston, for authority to hold an election to determine whether a special tax shall be levied for the purpose of raising means with which to cut a ship's channel to Galveston Bay, and to state that if the power to hold such election was not conferred upon the city of Houston by its act of incorporation, nor by any act of the legislature, no such election, and no tax levied for such a purpose would be legal.

I am, governor, very respectfully, your obedient servant,

W. G. MITCHELL,

Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

### RELATING TO THE COLLECTION OF TAXES.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS, }  
New Orleans, La., January 15, 1868. }

H. PERALTA, Esq., Auditor of Public Accounts, New Orleans, La:

*Sir*: I am directed by the Major-General Commanding to acknowledge receipt of your letter of the 13th inst., in which you state that the "taxes imposed by the Constitutional Convention cannot be collected through the ordinary process of collecting taxes in this State," and "refer the whole matter to him for his action;" and in reply to state that the tax-collectors of the parishes of Orleans and Jefferson, in their report to you of the same date, say that "the tax-payers have generally refused to pay the tax." By reference to the ordinance of the convention, you will find "that the Auditor of Public Accounts of the state shall, as under existing laws in relation to the collection of taxes, superintend and control the collection of said tax of one mill per cent., and shall give immediate notice and instructions to the different sheriffs and tax collectors."

It does not appear, from your statement, that any process for the collection of this tax has issued, or that any other steps have been taken, except giving notice in the newspapers, and a demand to pay, which has been refused. No resort has been made to those coercive means to enforce the payment of taxes pointed out by the laws of the state; this it is your duty to direct the tax-collector to do. When that is done, and forcible resistance should be made, the Major-General

Commanding will, upon it being reported to him, take prompt measures to vindicate the supremacy of the law.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,

Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

#### RELATING TO THE COLLECTION OF TAXES.

HEADQUARTERS FIFTH MILITARY DISTRICT,  
OFFICE OF THE SECRETARY FOR CIVIL AFFAIRS, }  
New Orleans, La., January 21, 1868. }

Hon. WM. P. McMILLAN and Hon. M. VIDAL, Special Committee:

*Gentlemen:* The Major-General Commanding directs me to acknowledge the receipt of your letter of the 17th instant, and to state in reply that the second ordinance of the Constitutional Convention, adopted on the 4th of January, 1868, provides a new mode for the collection of the tax, and imposes penalties on defaulting taxpayers.

You request the Commanding General to state what his action would be should the civil courts of Louisiana interfere with the collectors in the discharge of their duties.

In this connection the Commanding General deems it unnecessary to repeat what he has already stated in reply to a previous letter concerning his authority on this subject.

It would be highly improper for him to anticipate any illegal interference of the courts in the matter.

Whenever a case arises for the interposition of the powers vested in the Commanding General by the acts of Congress, he will promptly exercise them for the maintenance of law and order.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,

Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

#### LETTER OF GENERAL HANCOCK TO GENERAL HOWARD ON THE USURPATIONS OF THE FREEDMEN'S BUREAU.

HEADQUARTERS FIFTH MILITARY DISTRICT, }  
New Orleans, La., February 24, 1868. }

Major-General O. O. HOWARD, Commissioner of Bureau Refugees, Freedmen, and Abandoned Lands, Washington, D. C.:

*General:* Referring to the report of Captain E. Collins, Seventeenth infantry, sub-assistant commissioner of the Bureau refugees, freedmen, and abandoned lands, at Brenham, Texas, dated December 31, 1867, and transmitted by you for my information, I have the honor to state that I do not understand how any orders of mine can be interpreted as interfering with the proper execution of the law creating the Bureau. It is certainly not my intention that they should so interfere. Anything complained of in that letter, which could have lawfully been remedied by the exercise of military authority, should have received the action of General Reynolds, who, being military commander, and also Assistant Commissioner for Texas, was the proper authority to apply the remedy, and to that end was vested with the necessary power.

A copy of the report of Captain Collins had already been forwarded to me by General Reynolds before the receipt of your communication, and had been returned to him January 16th, with the following indorsement: "Respectfully re-



turned to Brevet Major-General J. J. Reynolds, commanding District of Texas.

"This paper seems to contain only vague and indefinite complaints, without specific action as to any particular cases. If Captain Collins has any special cases of the nature referred to in his communication, which require action at these headquarters, he can transmit them, and they will receive attention."

No reply has been received to this—a proof either of the non-existence of such special cases, or of neglect of duty on the part of Captain Collins in not reporting them. It is, and will be my pleasure as well as duty, to aid you and the officers and agents under your direction, in the proper execution of the law. I have just returned from a trip to Texas. Whilst there I passed through Brenham twice, and saw Captain Collins, but neither from him nor from General Reynolds, did I hear anything in regard to this subject, so far as I recollect.

There are numerous abuses of authority on the part of certain agents of the Bureau in Texas, and General Reynolds is already investigating some of them.

My intention is to confine the agents of the Bureau within their legitimate authority, so far as my power as district commander extends; further than that, it is not my intention or desire to interfere with the Freedmen's Bureau. I can say, however, that had the district commander a superior control over the Freedmen's affairs in the district, the Bureau would be as useful, and would work more harmoniously, and be more in favor with the people. At present there is a clashing of authority. I simply mention the facts without desiring any such control.

The reconstruction acts charge district commanders with the duty of protecting all persons in their rights of person and property; and to this end authorize them to allow local civil tribunals to take jurisdiction of, and try offenders; or if in their opinion necessary, to organize a military commission or tribunals for that purpose.

They are thus given control over all criminal proceedings for violation of the statute laws of the states, and for such other offenses as are not by law made triable by the United States courts. The reconstruction acts exempt no class of persons from their operation, and the duty of protecting *all* persons in their rights of person and property, of necessity invests district commanders with control over the agents of the Bureau, to the extent of at least enabling them to restrain these agents from any interference with, or disregard of their prerogatives as district commanders.

The district commanders are made responsible for the preservation of peace and the enforcement of the local laws within their districts; and they are the ones required to designate the tribunals before which those who break the peace and violate these laws shall be tried.

Such being the fact, many of the agents of the Bureau seem not to be aware of it. In Texas some are yet holding courts, trying cases, imposing fines, taking fees for services, and arresting citizens for offenses over which the Bureau is not intended by law to have jurisdiction.

General Reynolds is aware of some of these cases, and is, as I have already mentioned, giving his attention to them.

In Louisiana, this state of affairs exists to a less extent, if at all.

I am, General, very respectfully, your obedient servant,

W. S. HANCOCK,

Major-General U. S. Army, Commanding.

About the date of the preceding letter, however, the time had arrived when it was thought necessary by the controlling powers at Washington to supersede

General Hancock's administration in Louisiana and Texas, it being deemed an obstacle in the way of the congressional plan of reconstruction, which contemplated the complete suppression of the civil authorities of those states and the substitution of military commissions. Gen. Garfield, the Chairman of the Military Committee in the House of Representatives, introduced a bill to reduce the number of major-generals in the army with the avowed object of getting rid of Hancock, and thus punish him for his steadfast subordination of the military to the civil jurisdiction. This bill, however, was never pressed to its passage, being deemed by those friendly to its object as too likely to excite a popular demonstration in favor of the persecuted individual.

A safer method was adopted. General Grant, having been invested by Congress with extraordinary powers, so as to be no longer responsible to the President, his constitutional commander-in-chief, was induced to interfere in such manner with Gen. Hancock's official action as to humiliate him before the people he was sent to govern. This naturally soon led to Gen. Hancock's application to be relieved of his command.

About this time he wrote to a friend in Congress, as follows:

\* \* \* "I hope to be relieved here soon. The President is no longer able to protect me. So that I may expect one humiliation after another, until I am forced to resign. I am prepared for any event. Nothing can intimidate me from doing what I believe to be honest and right."

His letter to Governor Pease, in which Gen. Hancock vindicated the justice and policy of his administration, bears date the 9th of March, 1868, and on the 16th of the same month (seven days afterwards, he was relieved of his command.



## CIVILIZED BULLDOZING IN MASSACHUSETTS AND RHODE ISLAND.

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The attention of the Senate committee charged "to inquire whether any citizen of any state has been dismissed or threatened with dismissal from employment or deprivation of any right or privilege by reason of his vote or intention to vote at the recent elections, or has been otherwise interfered with, and whether citizens of the United States were prevented from exercising the elective franchise, or forced to use it against their wishes, by \* \* \* any unlawful means or practices," was directed to the states of Massachusetts and Rhode Island by a large number of affidavits from citizens of those states. The specific allegation was made that employers of labor in those states coerced their employees to vote as the employers wished, and that deprivation of employment was the penalty for refusal to do so. Among the data submitted to the committee in proof of this allegation was a circular, which was in these words.

*Dear Sir:* Your co-operation with the Massachusetts Republican State Central Committee is most earnestly requested. It is in your power, by the authority you can exercise over those employed by you, to maintain the honor of Massachusetts, and keep it out of the hands of spoilers and political knaves who have selected General Butler as their candidate. His election would disgrace our state, and ruin our standing at home and abroad. A thorough canvass of those you employ, and an early report to the secretary of the Republican State Central Committee, will be thankfully received.

This was issued in the canvass of 1878, but by whom the committee could not ascertain.

### MEETINGS OF MANUFACTURERS HELD TO INTIMIDATE VOTERS.

A meeting of manufacturers was held at Worcester, Mass., in the office of Mr. Washburne, Chairman of the Republican City Committee. The purpose of this meeting was to urge the employers of labor there present to exercise their influence. They were asked to call their employees together and address them on the issues. This was done in at least one case. The action taken at this meeting was spoken of by the employees affected as being prejudicial to their freedom of action. Fear of loss of work if they voted or acted against their employers' wishes was frequently expressed. The result of the meeting, and its action, was a degree of intimidation to the employee. A witness said the meeting was held for the purpose of "forcing their help, through dread of non-employment, to vote contrary to their wishes and according to the wishes of their employers." And still another described it thus:

Q. What was the effect, as you gathered it from the employees themselves, upon their minds?  
 A. Its effect was this: that while up to that date the operatives and employees, as a general rule, in Worcester County, had been enthusiastic, had thronged our rooms, the Democratic headquarters, day and evening almost. A great many of them then came and expressed doubts as to whether they would be able to vote or act openly for this reason; that they understood that this meeting had been held, and that that was the policy that would be adopted. In consequence of that, there was a decided coolness at that time on the part of this class of men. A great many upon whom we had counted with absolute certainty up to that time, were missing or else voted against us.

Senator Wallace, in behalf of the committee, reported upon several of these cases as follows :

#### OPERATORS INTIMIDATED AND DISCHARGED.

Your committee are of opinion that in very many instances during that election the ballot was cast by operatives against their own deliberate convictions, and in favor of the candidates of their employers, and that this was the result of a fear of loss of work at the beginning of winter.

This policy of keeping "inside the law" was publicly proclaimed in the *Herald*, a leading and influential newspaper in Boston, which earnestly and effectively aided the cause of those who called and held those meetings of employers, in these words :

There will probably be a good deal of "bulldozing" done in Massachusetts this year of a civilized type. The laborers employed by General Butler in his various enterprises—mills, quarries, &c.—will be expected to vote for him or give up their situations. The same rule will hold good on the other side. There will be no shot-guns or threats. Everything will be managed with decorum, adorned by noble sentiments. But the men who oppose Butler employ three-fourths, if not seven-eighths, of the labor of the state. They honestly believe that Butler's election would injure their property. They know that idle hands are waiting to do their work. It is not to be expected that they will look on indifferently and see their employees vote for a destructive like Butler. Human nature is much the same in Massachusetts and Mississippi. Only methods are different. Brains, capital, and enterprise will tell in any community. It is very improper, of course, to intimidate voters, but there is a way of giving advice that is quite convincing.

This action was described before your committee as "civilized bulldozing," and its occurrence was said to be much more frequent and effective in the manufacturing villages than in the cities.

It is impossible that there should be so much in the cities as in towns. It is easier to bring to light the wrong-doings of an employer there; it is harder to cover them up, because of the public press and because of the number of the people who would become cognizant of them. In a factory town it is different. There is no newspaper there; the operative lives in a tenement belonging to the manufacturer; his wages are small; his wife probably works in the mill; his children probably work in the mill; and, if he is in any way fractious, or opposed to voting in a way that these people dictate, his wife, children, and himself are turned out of the mill, out of the tenement, and out of the means of earning a livelihood.

The case of the Manchaug Manufacturing Corporation, in the county of Worcester, was cited as one of those in which this policy of "civilized bulldozing" was pursued. The testimony disclosed the following facts: Manchaug is a manufacturing village, wherein the real estate, mills, houses, churches, halls and public buildings were owned by the stock company which there manufactured muslin fabrics. They employed a large number of persons as workmen, many of whom were French Canadians. The number of voters at the mills were upwards of 100 in 1878, of whom three-fourths were Democrats. All of the managing force, superintendents and bookkeepers, were Republicans. Many young people of both sexes were employed at the mills, and their homes were with their parents in the tenement houses of the corporation. One case was shown in which a man who had served during the war occupied one of the company's houses, whilst his son and three nieces worked in the factory and lived with him. He describes what occurred as follows:

I was not working for the corporation, but I was active in the campaign. I was one of the signers of the Butler call and one of the vice-presidents of the Butler Club. I contributed two or three dollars to the Butler flag-raising, when we were going to have a good time. Mr. Waters, who had asked for the hall, came to my house when I was not at home; my wife told me of his being there. Immediately after this, a notice came from the mill that I must vacate my tenement within two weeks. It was signed by Robert McArthur and by Charles A. Chase, clerk. For two or three days nothing was said, and they sent for me to come to the shop.

The son was notified to quit work, and did quit. The effect of this notice to leave, upon men who had families dependent upon them, was to take away their freedom of action, and they were obliged to vote as their employers required, for they had no place to go with their families.



Its effect appears to have been decided upon the voters. Their timidity was described as follows :

They spoke to me about making arrangements about raising a flag, as I did not work for the company and cared nothing for the company. They were afraid to take an active part in it, but agreed to contribute toward defraying the expense. I had a list of some twenty-four names of those who contributed—some a dollar and some two dollars—toward hiring the band and paying the expense of a French speaker. After Mr. Waters came with a notice of Mr. Thayer's and Mr. Mellen's meeting, this notice which followed, from Mr. McArthur to my father, made a change. Those men did not seem to dare to speak to me on the front street there ; they would come around after dark and call me out to speak to me ; they would pass me on the street without speaking, and they told me, two or three different ones, that it was coming near winter, and they did not wish to lose their jobs ; still they wished to vote for Butler.

#### BALLOTS TAKEN AWAY FROM VOTERS AND OTHERS FORCED UPON THEM.

The selectmen of the town have charge of the ballot-box on election day. McArthur, an employee of the company, was in charge of such in 1878. Chase and Knox, two other employees of the company, were in attendance. The workmen were provided with Republican tickets at the works, hauled in wagons to the polling place, and voted under the direct supervision of McArthur, Chase and Knox. A witness describes the process thus :

My attention was called to the peculiar way they had of mangaging the voters there. I stepped up to the little railing that they had there to go around and up to the polls, and I saw two men stationed at the entrance where the voters went in. One was a Mr. Chase, the other was a Mr. Knox. I saw that the help of the village (I was acquainted with a great portion of them) came along in a sort of rotation. Mr. Chase was on one side and this Mr. Knox was on the other, and as each man came up they would take hold of the ticket that the man had, and say, "That is right, pass on." Another would come up, and they would say: "That is right, pass on." Another would come up, and they would say: "Hold on, that is not the vote you want to cast." "Why, yes, it is the vote I want to cast." "No, it is not." "Why, certainly, this is my vote." "O, no ;" and he got it out of the man's hand, tore it up and threw it on the floor. He said, "You do not want to vote such a damned vote as that." He then handed the voter another one. The man then remarked, "I don't want to cast this vote." The reply was, "Go right along ; that is the vote you want." The man went right along and put it in the box. Mr. Hastings, the constable, stood right opposite, and I stood, perhaps, four feet from this Mr. Knox.

Another instance is given thus :

Q. Who was at the polls to receive the employees in November last ? A. Mr. Chase.

Q. Is he connected with the corporation ? A. He is the book-keeper there.

Q. Who takes them from the mills to the polls ? A. The teams of the corporation take them.

Q. What have you seen in regard to tickets when they have got to the polls ? A. I have seen Mr. Chase change their tickets. He generally stands at one side there where there is a small place to go through, and, as they come along, he always has the ballots there, and I have seen him change them, and have seen them get tickets from him and carry them in.

Q. The specific tickets you speak of, did they examine those ? A. I do not know whether they could or not. Pretty nearly all of those who work there are French, and I do not know whether they could examine them.

Q. Do you know whether those tickets were in envelopes or open ? A. I have seen Mr. Chase give tickets to them that were open.

Q. Did you see this occur in November, 1878 ? A. Yes, sir.

Q. Specify an instance and describe how this occurred, if you can ? A. As they passed along he was standing there on this side, and as they would come up to the polls he would stop them, hand them one of the tickets, and say, "Here, carry it in." They might have had an envelope or something of that kind. I have seen them have envelopes. I have seen that occur.

The ballot-boxes were open boxes and those in charge could see the form and appearance of the ballot voted, and they were easily distinguishable apart.

The result of this close supervision of the votes of the operatives by their employers, and the fears which prevailed among them lest they should be discharged, very naturally affected the result in the district in which they voted, and gave to the candidates favored by the employer a large number of votes they would not have received if perfect freedom of action had been allowed to the workmen.

Your committee examined a number of witnesses in regard to the management and manner of voting at Webster, Worcester County, by the employees of the Slater Manufacturing Company, where several hundred men are employed ; a majority of whom are Irishmen, and the proof showed about the same state of facts as existed in Manchaug.

The same was the case at the Douglass Axe Factory, where the agents of the company stood at the door of the election-house, watched every one of the employees who came in, passed him the Republican ticket, and told him it would be to his interest to vote that ticket.

The Boston Elastic Fabric Company employs a large number of hands, most of whom were Democrats, but under the orders of their employer, Mr. McBirney, they were nearly all required to vote the Republican ticket in November, 1878. The foreman of the factory stood at the polls in Chelsea all day on election day between the door and the ballot-box, and required the men employed under him to vote the Republican ticket. Another of the employees was directed to tell them that this was their employer's wish, and they must govern themselves accordingly. This was done and the men very generally obeyed the orders given. One testified that he did not and was soon driven out of that employment.

#### THE AID OF THE CHURCH INVOKED.

The campaign of 1878, in Massachusetts, seems to have been anomalous. For the first time, so far as your committee could learn, ministers of the Christian religion were openly invited to aid in the campaign by furnishing the names and post-office address of their church members, to the end that documents containing the dogmas of a political party might be sent to them through the mails.

A circular in the following form was sent to every clergyman in the state, whose name and address could be found from the religious monthlies:

ADIN THAYER, Chairman.	}	REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,	}
S. B. STEBBINS, Treasurer.		HEADQUARTERS, 376 WASHINGTON STREET,	
GEORGE C. CROCKER, Secretary.		Boston, September, 26, 1878.	

*Dear Sir:* In order to enable us to distribute documents effectively, will you kindly furnish us immediately with a list of the male members of your church and parish, and with such other names as you may deem expedient. By so doing, you will aid us in saving the honor of our commonwealth.

With esteem, yours,  
GEORGE C. CROCKER, Secretary.

ADIN THAYER, Chairman.

There were a large number of responses, and documents were sent to the names and addresses furnished. Of the character of the documents furnished to the members of the churches, your committee did not learn, but it is fair to suppose that, as the following circular seeks to arouse the alarm and indignation of "Christian citizens," it was forwarded to church members :

ADIN THAYER, Chairman.	}	REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,	}
S. B. STEBBINS, Treasurer.		HEADQUARTERS, 376 WASHINGTON STREET,	
GEORGE C. CROCKER, Secretary.		Boston, September 19, 1878.	

*Dear Sir:* A desperate attempt is being made, under a hypocritical pretense of state reform, to deliver Massachusetts over to the Repudiationists, Greenbackers, and Communists.

This attempt should excite the alarm and indignation of every Christian citizen, and call forth the active, earnest, and persistent opposition of every lover of the fair fame of Massachusetts.

It must be met defiantly and vigorously at once by private and public appeal to the intelligence, honor, and conscience of Massachusetts.

The state ticket nominated by the Republican party stands for public and private honesty and national good faith.

We earnestly invoke your active aid in securing its election, and thus saving the "old commonwealth" from the control of unscrupulous and self-seeking demagogues.

Per order of the Republican State Committee.

ADIN THAYER, Chairman.

GEORGE P. CROCKER, Secretary.

Your committee deems this system of electioneering dangerous and vicious, calculated as well to bring the Christian religion into the mire of politics as to arouse sectarian animosity among the people.

#### CIVILIZED BULLDOZING IN RHODE ISLAND.

In pursuing another duty enjoined by the Senate in Rhode Island, this subject of controlling the votes of employees by the employers, through fear of loss of work, was incidentally examined.



At Westerly, in the southwestern part of the state, there are two corporations known as the New England Granite Company and the Smith Granite Company. They employed in 1876 about 150 men in getting out and preparing granite. Direct influence was brought to bear upon these employees about a week before the Presidential election of 1876 by these corporations issuing a handbill and circulating it where the men worked, which stated that the election of Mr. Tilden would be a great injury to their business, and by the concluding paragraph, which declared they would secure *their own* interest by voting against Mr. Tilden. The circular was in these words:

TO ALL VOTERS  
Employed by the

N. E. GRANITE WORKS AND THE SMITH GRANITE CO.

Having become fully convinced that the election of Samuel J. Tilden and a Democratic Congress, on the 7th of November, will do a great injury to our business, and will also be a National Calamity, we do most earnestly advise all VOTERS IN OUR EMPLOY to vote the Republican Ticket, more especially for a Republican Member of Congress. You will, by so doing, secure your own interest, our interest and the interest of your country.

THE N. E. GRANITE WORKS.  
THE SMITH GRANITE CO.

The plain implication from the language here used is that the injury to the business of the corporation would result in loss of employment to the workmen, and it undoubtedly had the effect to intimidate voters.

It was shown that at Hope Village in the Congressional election the Republicans used a colored ballot of a very distinctly marked color. At that time there were a number of Democrats employed in the works who attended Democratic meetings and desired to vote that ticket, but when these men came to vote on election day, men in the employ of the Hope Manufacturing Company stood at the ballot-box and watched the ballots all day. Some of these Democrats declared that they did not dare to vote.

At Woonsocket there are seven or eight large manufacturing establishments. They employ many workmen, a majority of whom are of foreign birth, and among the employees are many whose political opinions are Democratic. It was shown that at almost every election for years these men voted under the eye of their employers' agents who were Republicans, and in very many cases under circumstances showing intimidation and fear of loss of work.

COMPANIES' AGENTS IN CHARGE OF POLLING PLACES.

One witness described the acts which he thought amounted to intimidation, in this language:

From the Woonsocket Machine Company at the last Congressional election, they had their overseer posted about two feet from the ballot-box, and he was handing ballots to the operatives as they came up to vote. His name is Charles A. Chase. I remember now a party who did work for the Woonsocket Machine Company, who told me, shortly after the election, that he was going to lose his position, and he did lose it. About a month after that they discharged him because he would not peddle Republican ballots in the shop.

Another witness describes it thus:

I have known men employed in the Woonsocket machine shop to be marched up, in the hall, in squads by a man named Chase, who had some position there—I do not know whether it was that of engineer or what it was—and compelled to hold their hands up with the ballots in them in this manner. [The witness elevated his right hand to a level with his head.] They walked along and he went with them, watching them until, as each man dropped the ballot in, he took his eye off the man. At the last Congressional election I saw him march up two squads from the machine shop. I know one man up there who, at the same election, informed me that he wanted to vote the Democratic ticket, but was obliged to vote the Republican ticket, because he had been given to understand that it would be for his interest to do so. His property was mortgaged, and a party who ran on the Republican ticket controlled, or his intimate friend controlled the mortgage at the time. The man was afraid to vote otherwise, he informed me. They have come to me, for instance, and to other Democrats in my hearing and sight and said, "We want a ticket." This was the evening before the election. And they gave us a ticket and said that they had to carry it or they would lose their job. There is a strong feeling in their minds that if they do not vote the ticket that is given to them by their employers they are liable to be turned off, that they are spotted, and, if anybody is turned off, it will be them. These employees who are Democrats, who have been furnished with

tickets or who say, "We shall be furnished with a ticket by the boss or the manufacturing company's agents," come to our headquarters and say, "We want a ticket in our pockets that is of our kind, so that we can vote it if we change it for the other." Well, the employers have found that they were being cheated by the men; that the men, in spite of their convincing advice, had got the tickets that they wanted to vote and had put them in. That accounts for their compelling the men to hold their hands up. They give them their ticket when they get out of the carriage and compel them to hold it up in their hands as they march along through the crowd.

#### COMPANY'S TIME-KEEPER NOTES HOW EACH EMPLOYEE VOTES.

It was shown that in the Tenth Ward of Providence, at the Presidential election of 1876, the time-keeper employed by The Corliss Steam Engine Company was at the polls with his book, and as every man working for his establishment would cast his ballot he would check his name or write his name down upon the book. He was not there as an official of the election. He would watch to see which way a man voted and then take memoranda in his book. Employees complained of this and said they were afraid to vote. The ward was largely Democratic, and this action produced disturbance on the part of citizens who sought to have the time-keeper removed, because the employees of the Corliss Steam Engine Company were afraid if they voted their principles, they would be discharged from the works, and he was finally removed from the place. This company employed several hundred men at that time.



# REPUBLICAN DISCRIMINATION AGAINST FOREIGN-BORN CITIZENS.

Extracts from a report of the United States Senate Committee submitted by Mr. Wallace in the Senate :

Your Special Committee was directed to inquire and report to the Senate concerning the denial or abridgement of the right of suffrage to citizens of the United States, and now reports the result of its labors.

Article 11 of the Constitution of the State of Rhode Island prescribes the qualifications of electors in that state, which are further fully set forth in the General Statutes of the state, passed in pursuance of said article, from which we quote as follows :

## CHAPTER V.

### OF THE RIGHTS AND QUALIFICATIONS OF VOTERS.

SECTION 1. The two following classes of persons have by the Constitution—the first as registered and the second as unregistered voters—a right to vote in the election of all civil officers, and on all questions, in all legally organized town, ward, or district meetings.

*First.* Every native male citizen of the United States of the age of twenty-one years, and who has had his residence and home in this state two years, \* \* \* whose name shall be registered in the office of the clerk of the town where he resides on or before the last day of December in the year next preceding the time of his voting, and who shall show by legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state to the amount of one dollar, including in such tax or taxes a tax upon his property in the town in which he shall offer to vote valued at least at one hundred and thirty-four dollars.

*Second.* Every male citizen of the United States of the age of twenty-one years who has had his residence and home in this state for one year, \* \* \* and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved, or the interest of any incumbrances thereon, being an estate in fee simple, fee-tail for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days.

SEC. 2. The two following classes of persons have, by the Constitution, as registered voters, a right to vote in all elections, and on all questions as aforesaid. \* \* \*

*First.* Every male native citizen of the United States of the age of twenty-one years, \* \* \* and whose name shall be registered in the town where he resided at the time of such registry on or before the last day of December in the year next preceding the time of his voting, and who shall show by legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar.

SEC. 3. The following class of persons have, by the Constitution, as unregistered voters, a right to vote in the election of all general officers, and members of the general assembly, in the town or city in which they shall have had their residence and home for the term of six months next preceding the election.

Every male native citizen of the United States of the age of twenty-one years, \* \* \* and shall own any such real estate within this state, but out of the town or city in which he resides as is described in the second clause of the first section of this chapter, and who shall produce a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter, and that the deed, if any, has been recorded ninety days.

# CHAPTER VI.

## OF THE REGISTERING, LISTING, AND RETURNING LISTS OF VOTERS, AND OF PROOF OF THEIR QUALIFICATION TO VOTE.

SEC. 2. The town clerk shall register in such book, with the date of the registry, the name of every male inhabitant of the town who shall demand such registry and who shall declare that he is qualified by birth \* \* \*

SEC. 10. The assessors of taxes in each town shall, within five days after said second Monday of January in every year, assess upon every person whose name shall have been registered as aforesaid, as his registry tax, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar \* \* \*

The distinction herein made between the rights of native born and foreign born citizens to vote, is so broad and well marked that at the outset of our inquiry the attention of your committee was arrested by it, as an anomaly in the American system, and we have given it careful examination and thought.

Carl W. Ernst, an intelligent Republican foreign born citizen, gives an estimate, after a careful examination, and places the number of disfranchised foreign born citizens at not less than 10,000 to 15,000. He testifies as follows:

Rhode Island contains not less than 75,000, probably 80,000 males twenty-one years old or more. The highest vote ever polled in this state is that of 1876, for President, when 26,627 votes were cast. The state census of 1875 gave 42,741 as the number of legally qualified voters, and, approximately, 72,257 as the number of males of 21 years or more. It appears, then, that in 1875 nearly 30,000 males were either disfranchised citizens or aliens. It is reasonable to assume the following as correct:

Number of possible voters	80,000 or 100 per cent.
Number of legal voters	45,000 or 56 per cent.
Number of disfranchised citizens	17,500 or 22 per cent.
Number of aliens	17,500 or 22 per cent.

The Chairman: You have been called at my instance, because, having observed some statistics in the paper which you edit, I wish to get some information from you upon the subject of which they treated.

The witness: The result of the last calculation that I made was that the state must have now about 300,000 inhabitants. Applying the ordinary rate of voters which obtains throughout the country, it would follow that we ought to have very nearly 70,000 persons entitled to vote. The registered voters was 42,000 and something. So that that shows there are at least 24,000 not accounted for. In Dr. Snow's report the persons enumerated as qualified voters are not persons actually qualified, but persons who have the constitutional qualifications to vote. They include, for instance, the unregistered registry voters, the explanation which he gives himself. And, therefore, I am obliged to infer that the number of persons who are either alien residents or who are disfranchised citizens is very much greater than is commonly supposed. The United States census of 1870 enumerates about 43,000 voters in this state. Dr. Snow's census, taken five years later (that of 1875), enumerates about 42,000. We have in Rhode Island the extraordinary phenomenon of a constant decrease in the number of voters (who are almost exclusively natives), while the number of residents who are disfranchised increases. To all intents and purposes Rhode Island has now more people of foreign birth or foreign parentage than it has of people who are natives, and that fact applies as emphatically to this city of Providence and to some of the principal towns of the state as it does any other portion of the state. I speak of the whole state. I say that of the population of the whole state there must be to-day at least thirty per cent. of persons born abroad, and at least thirty per cent. of persons of foreign parentage; the remaining forty per cent. being of persons who are natives of this country. We have at least 75,000 males in this state over twenty-one years of age. Of these 75,000 about 40,000 (I hardly think more than that) are registered voters, or persons who can appear at any election. That leaves 35,000 to be accounted for. Of these not less than 5,000 are persons who are constitutionally qualified to vote, but who have failed to register or pay their taxes, and in that way are thrown out. Of the 30,000 remaining to be accounted for a large number are undoubtedly natives of this country or of other states, aliens, and a floating population, the latter being made up of persons who come here for certain periods; for instance, Canadians who work in our factory villages, jewelers who work in our shops, and others, mainly young men, who come here for temporary employment. These 30,000 cover also certainly a number of alien residents who eventually, undoubtedly, would take out their naturalization papers if they could vote, but who have now no interest in becoming citizens of the country. We come now to the number of disfranchised citizens. Making a liberal allowance for the floating population, I think that the number disfranchised in this state cannot be less than 10,000, and it may be 15,000. I speak of citizens of the United States who are in the same position in which I am, who are citizens of the country, but who are not allowed to vote because they do not have the necessary real estate.

In order to aid in ascertaining the probable number of persons, citizens of the United States, who were denied the privilege of voting because of their nativity, or by reason of the restrictive laws before quoted, the state census of Rhode Island of 1875 has been taken by your committee as a basis of calculation.

The total population in 1875 was	258,239
“ “ number born in the United States	186,609
“ “ “ “ foreign countries	71,630
The total number of votes	42,741
“ “ “ “ native born	37,377
“ “ “ “ foreign	5,364



or one to every thirteen born abroad, while one to every five in the whole population is the general rule.

Of the whole number of persons in Rhode Island there were :

Native born.....	72.22 per cent.
Foreign born.....	27.67 " "
Of American parentage.....	52.17 " "
Of foreign parentage.....	47.88 " "

Of the whole number of voters there were :

Native born.....	87.45 per cent.
Foreign born.....	12.55 " "

The whole male population over twenty years of age was 74,753, of whom 52.17 per cent. were voters. Comparing Rhode Island with Massachusetts we find that the percentage of votes to the male population over twenty years of age was as follows.

Rhode Island.....	57.17 per cent.
Massachusetts.....	76.34 " "

Of the whole number of voters in these states there were :

In Massachusetts, native born.....	80.03 per cent.
In Rhode Island " ".....	87.45 " "
In Massachusetts, foreign born.....	19.07 " "
In Rhode Island, " ".....	12.55 " "

Of the whole number of male persons the following percentage were voters :

In Massachusetts.....	44.00 per cent.
In Rhode Island.....	34.04 " "
In Massachusetts in the whole number persons there are voters.....	21.25 " "
In Rhode Island " " " " " " " ".....	16.55 " "

Or a loss of 4.70 per cent. as compared with Massachusetts, which would be a loss of 12,000 votes as compared with that state.

This comparison with Massachusetts is more favorable to Rhode Island than if made with any other state, owing to the educational qualification there existing.

In the light of the testimony taken by the committee, the discrepancy between the voting population of Massachusetts and Rhode Island is readily accounted for. It is the result of the practical denial of suffrage to citizens of the United States of foreign birth, and of impediments to the exercise of the electoral franchise by poor natives, under constitutional provisions, executed under rigid registry laws.

From the figures given by witnesses brought before the committee it is possible that, under the Fourteenth Amendment and the Act of 1872, Rhode Island might rightfully have been deprived of one representative in the House of Representatives of the Forty-fourth Congress, and that her additional vote in the Electoral College thus secured, decided the question of the presidency in 1877, the vote as returned by the Electoral Commission being 185 to 184, and it might again decide it.

As instancing the peculiar hardship of the real estate qualification in Rhode Island the following facts culled from the testimony are interesting.

Rhode Island has a less number of acres of land than any state in the Union, yet she is the only one where real estate votes.

Total number of square miles in Rhode Island.....	1,054.
Total number of acres in Rhode Island.....	674,560.
Total number of inhabitants to the square mile.....	244.90
Total number of inhabitants to the acre.....	2.61

According to the census of 1870 the total value of real estate and improvements

in Rhode Island was \$132,876,581, being in the proportion of \$611 to each inhabitant. According to the census of 1875 and the Rhode Island Manual the total valuation of real estate and improvements in that year was \$190,279,473, or \$736 to each inhabitant. The total number of acres in farms 480,928, leaving but 193,632 otherwise classified, the total number being 6,363 farms, valued at \$28,892,336, the farms averaging 75.58 acres at \$4,540 per farm. Of the real estate improvements not classified as farming land the total valuation was \$161,387,137, or an average of \$833.47 per acre. The total number of dwelling-houses in the state was only 38,875 in 1875. The testimony shows that a large part of the foreign population was employed in the manufacturing establishments of the state, and that a small house suitable for an operative and his family would cost \$2,000, and upwards.

Restricted suffrage, registry taxes upon poor men alone, statutory closing of the polls at sunset, instead of at eight o'clock, as formerly, by which the operatives in the mills are prevented from voting, and the compulsory payment of the registry tax ten months prior to the general election, in a presidential year, cause great complaints upon the part of the poor men and foreign born citizens in Rhode Island; and to these features of her laws many intelligent witnesses ascribe the small percentage of voters among her people and the large amount of corrupt practices in the elections of the state. A foreign-born soldier, breveted a major for gallantry, said, under oath, "I have never qualified myself to vote for the reason that I consider the principle wrong; that suffrage ought to be based on manhood, and not on real estate; and that no qualification was required for negroes, their color being sufficient passport, provided they vote right." In reply to the question, what action the government of the United States could take to remove the disqualifying features of the state constitution, he said, "that by the Fourteenth and Fifteenth Amendments of the Constitution of the United States, universal suffrage was forced upon the South, and that the rule ought to work just as well on the North." Another foreign-born soldier, breveted at Missionary Ridge as Lieutenant-Colonel, testified that he had tried to get many foreigners to become naturalized, telling them that in time they would become voters, but they would not do so, as they declared they would feel more degraded in becoming citizens of the United States; and not having the privilege of voting then they felt that they were without naturalization; he said that was his own feeling, and although he owned no real estate now, but did when he voted, he felt that one who had for so long been a soldier in the service of the country ought not to need any such qualification.

The owner of real estate gets upon the registry of voters by virtue of his real estate. The native born, owner of personalty, pays his taxes of over one dollar and thus he gets upon the registry, but the native who owns no taxable property must personally register himself and pay his taxes or he cannot vote; the foreign born citizen may own personalty, but cannot vote unless he owns real estate, and of course, he cannot get upon the registry. If registry taxes for one year are not paid the Constitution forbids the vote until the arrears for two years are paid up.

This is the explanation of the fact proved in this testimony that out of 42,741 voters shown by the census of 1875, to be in the state and qualified to vote, but 26,627 actually did vote in the hotly contested presidential election of 1876; 16,114 voters, or about three-eighths of the whole voting population, actually abstained from voting. No such percentage of non-voters is found anywhere, North or South, in that election. In the great central belt of states North,



over 90 per cent. of the whole vote therein was polled at that election, whilst in Rhode Island but about 62 per cent. finds its way to the polls.

Naturalized citizens may own any amount of personal property, and pay any amount of taxes thereon, but they cannot vote unless possessed of a certain amount of real estate. Foreign born citizens who were naturalized and voted in Rhode Island long before the war of the rebellion, and who served the United States and the state of Rhode Island, in Rhode Island regiments throughout the war, and who have been shown to have lost this real estate, have been deprived of the right to vote by that loss.

As a specimen case your committee refers to that of Col. James Moran, of Providence. An abstract of his testimony is as follows:

Lived here twenty-eight years; foreigner; naturalized; entered service of United States from Rhode Island under promises made by the state officials that foreigners who went into the service could vote when they came back; commissioned as second lieutenant; promoted to captaincy; served three years; honorably discharged; held an election for officials in Rhode Island in his company in the army, but could not vote himself; was a voter once because he owned real estate; has lost it and cannot vote now; been colonel in militia, and notary public; majority of the operatives in the mills are foreigners; are changed about and can't save money to buy homes.

A similar case is that of Col. John M. Duffy, who had been a resident of Providence for twenty years. He entered the service of the United States in May, 1861, in the Second Rhode Island Volunteers, as a private, being promoted, subsequently, to sergeant, 2d lieutenant, and 1st lieutenant of that regiment. After same service in the Second Rhode Island Volunteers, he was honorably discharged to accept the commission in the United States Regular Army, as first lieutenant in the 13th Infantry, being brevetted lieutenant-colonel for gallantry at the battle of Missionary Ridge. He remained in the army until 1869, when he was discharged for disability, and received a pension of \$15 per month. Col. Duffy acquired real estate after his return from the army, and upon becoming naturalized, was permitted to vote. Having lost his real estate from the vicissitudes of fortune, he has lost his right to vote.

The case of Hon. Thomas Davis, formerly a member of Congress from Rhode Island, is given in the following condensation of his testimony:

Live in Providence; foreigner; naturalized forty-five years ago; seventy-five years old; a manufacturing jeweler; been in both branches of the legislature a number of times; member of Congress from Rhode Island in 1853-'4; then owned real estate; I am not now a qualified voter; I failed in business and the title to my property passed to my assigns, and I cannot now vote; colored men now vote here like native-born whites, while every foreign-born citizen is excluded unless he owns real estate; the effect of this is bad; it makes the voters mercenary; wealth controls suffrage in Rhode Island; money is all-powerful here; it can overwhelm public sentiment at any time here; have been both a Republican and a Democrat, but always advocated the repeal of this restriction.

Thomas McMurrough.—Naturalized; cannot vote; no real estate; am president of the Rhode Island Suffrage Association; presented a memorial praying for extension of suffrage to foreign-born citizens; father lived in Massachusetts, a naturalized citizen and a voter there; the line between the states was changed and we were thrown into Rhode Island we cannot vote now, for we own no land; at least 5,000 naturalized citizens in the state who cannot vote.

Daniel Donovan.—Naturalized; came from Connecticut; lived in United States since five years old; am a skilled mechanic; ten of us work together in one room in our factory; the highest grade room in it; six of the ten are foreigners and cannot vote for want of land; a house and lot to suit my family would cost me \$3,000.

Repeated efforts have been made to secure the alteration of the Constitution of Rhode Island in regard to property qualifications for foreign-born citizens, but they have always been defeated. In the case of the submission of the question of the extension of suffrage to soldiers and sailors who had served in Rhode Island regiments during the war, submitted during the presidential canvass of 1876, the testimony shows that it was made a party question at the polls.

Witnesses testify that a minority of her people has ruled Rhode Island for more than fifteen years past, and that the opposition to the extension of suffrage came mainly from those now in power, who fear the loss of place that would follow.

The average vote cast in each Congressional district in the New England States in past four Congressional elections, is as follows :

STATES.	1872.	1874.	1876.	1878
Massachusetts.....	17,521	16,467	23,609	22,707
Vermont.....	14,333	12,940	21,448	16,358
Maine.....	18,101	19,565	25,357	25,749
Connecticut.....	24,232	26,528	30,539	26,089
New Hampshire.....	22,964	26,295	26,708	25,257
Rhode Island.....	9,465	3,381	13,026	9,198

It is thus seen that the average vote to the Congressional district in Rhode Island of the combined Democrat and Republican candidates was only 3,381 in 1874, whilst in the remainder of New England it was 20,359 to the Congressional district ; and while Connecticut in the presidential contest polled 30,539 votes in each of her Congressional districts, Rhode Island polled but 13,313 votes to choose a Congressman.

Florida and Rhode Island have each two Congressmen. The population of the former in 1870 was 187,748, of the latter 217,353 ; yet in the presidential election of 1872 Florida polled 33,190 votes, or one to every five and a third, whilst Rhode Island polled but 18,994, or one to every eleven and a half. In 1876 Florida polled a total of 46,772 votes, and Rhode Island but 26,627.

At the Congressional elections the comparison is as follows : in each Congressional district the average vote in—

STATES.	1872.	1874.	1876.	1878.
Rhode Island.....	9,497	3,381	13,313	9,198
Florida.....	16,595	17,639	23,386	19,549
South Carolina.....	19,036	28,952	36,555	34,439
Pennsylvania.....	28,970	20,560	27,798	24,281

The tables of the votes in these years show some curious facts when we consider the drift of newspaper sentiment in the past eight years as to the whole people voting in certain localities. They are worthy of careful examination and furnish proof of the most positive character that the repeated charge that suffrage is denied in the South to any class or race is untrue.



TABLES OF VOTES FOR PRESIDENT AND CONGRESS. SHOWING AVERAGE PER CONGRESSIONAL DISTRICT.

States.	No. of Congressional Districts.	Presidential Election.			
		1872.	1876.	Average per District.	
				1872.	1876.
Rhode Island.....	2	18,994	26,627	9,497	13,313
Massachusetts.....	11	192,732	259,703	17,521	23,609
Florida.....	2	33,190	46,775	16,595	23,386
Kentucky.....	10	191,135	259,608	19,113	25,960
Vermont.....	3	53,001	64,346	14,333	21,448
South Carolina.....	5	95,180	182,776	19,036	36,555
Louisiana.....	6	128,692	159,349	21,448	26,558
Maine.....	5	90,509	116,786	18,101	23,357
Connecticut.....	4	96,928	122,156	24,232	30,539
New Hampshire.....	3	68,892	80,124	22,964	26,708
Virginia.....	9	185,164	235,228	20,573	26,203
Alabama.....	8	169,716	170,232	21,214	21,279
Arkansas.....	4	79,300	97,029	19,825	24,257
Georgia.....	9	142,906	180,534	15,878	20,059
Mississippi.....	6	129,463	164,778	21,577	27,463
Missouri.....	13	273,059	351,765	21,004	27,058
North Carolina.....	8	164,863	233,844	20,607	29,230

States.	Vote for Congressmen.					
	No. of Dist.	1874.		No. of Dist.	1878.	
		Total Votes.	Average to District.		Total Votes.	Average to District.
Maine.....	5	*78,263	19,565	†	128,746	25,749
New Hampshire.....	3	78,885	26,295		75,773	25,257
Vermont.....	3	38,832	12,940	‡	49,075	16,358
Massachusetts.....	11	181,142	16,467	§	249,783	22,707
Rhode Island.....	2	6,763	3,381	¶	18,396	9,198
Connecticut.....	4	106,112	26,528		104,357	26,089
Alabama.....	8			¶	88,306	11,039
Arkansas.....	3	55,116	18,372	§	42,558	14,186
Florida.....	2	34,279	17,639	¶	39,098	19,549
Georgia.....	9	†115,574	14,447	¶	125,511	13,946
Kentucky.....	10	128,462	12,846		159,905	15,990
Louisiana.....	6	†121,554	24,311	¶		
Maryland.....	6	120,891	20,148	¶	120,315	20,052
Mississippi.....	6	55,614	27,807	¶	51,621	8,603
Missouri.....	13	253,451	19,496		322,120	24,778
North Carolina.....	8	§124,381	24,896	¶	129,426	††16,178
South Carolina.....	5	144,760	28,952	¶	172,198	34,439
Tennessee.....	10	154,106	15,410		146,572	14,627
Texas.....	6	¶		¶	216,392	27,040
Virginia.....	9	173,611	19,846	¶	126,287	14,032
West Virginia.....	3	66,263	22,068	¶	94,907	31,635

\* Vote of four districts. † Vote of eight districts. ‡ Vote of five districts. § Vote of two districts.  
¶ Vote of five districts. ¶ No opposition. || No contest in eighth district.





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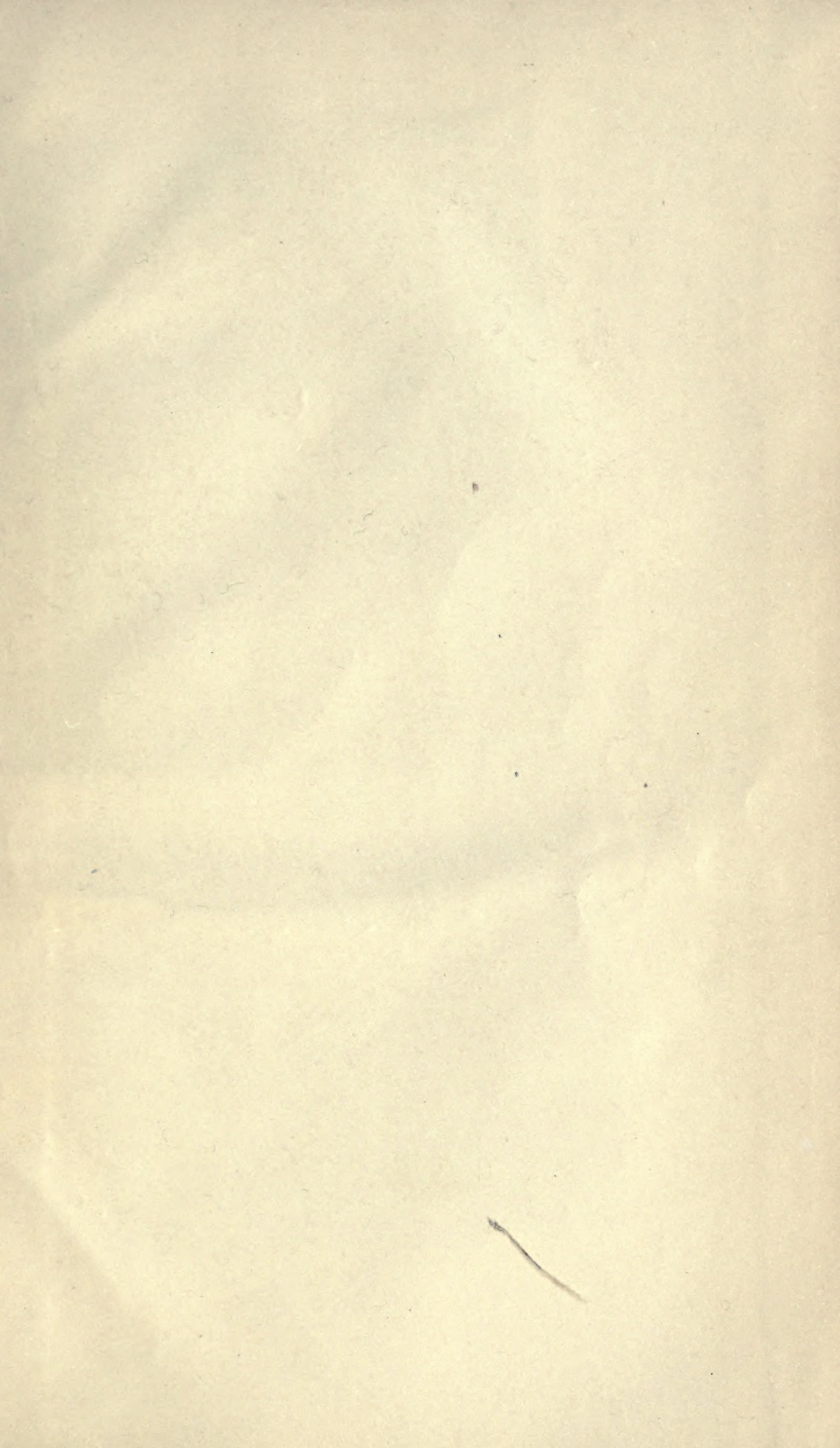












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